

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

BOBBY HARDRICK,

Plaintiff,

v.

**WELLS FARGO BANK NATIONAL
ASSOCIATION; RESOLVION, LLC;
KEEL RECOVERY, INC.,**

Defendants.

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CIVIL ACTION NO. 3:24-CV-00014-D

JURY

APPENDIX IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

EXHIBIT	DOCUMENT
A	Plaintiff's Complaint
B	Berkshire Medical Apts' Video of Shooting
C	Keel's Firearm Policy
D	Wells Fargo Default Notice to Chellette Corder, WELLS FARGO 000159-000167
E	Plaintiff's Deposition Transcript
F	Daniel Fielhauer's Deposition Transcript

Respectfully submitted,

By: /s/ Raymond M. Kutch

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Dallas, Texas 75201
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Facsimile: (214) 871-8209

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been e-filed with the District Clerk of the Northern District of Texas, Dallas Division and electronically served upon all counsel of record pursuant to the Federal Rules of Civil Procedure on March 10, 2025.

/s/ Raymond Kutch
Raymond M. Kutch

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

BOBBY HARDRICK,)	
)	
Plaintiff,)	
)	
v.)	3:24-CV-00014-D
)	
WELLS FARGO BANK)	
NATIONAL ASSOCIATION;)	
RESOLVION, LLC;)	
KEEL RECOVERY, INC.;)	
)	
Defendants.)	JURY TRIAL DEMANDED

PLAINTIFF'S AMENDED COMPLAINT

Plaintiff Bobby Hardrick, in the above-styled cause, Pursuant to Federal Rule of Civil Procedure 15(a)(1)(B) Amends his Complaint as a matter of course. For his Amended Complaint against the Defendants:

PARTIES

1. The Plaintiff, Bobby Hardrick, is a resident and citizen of the state of Texas, Dallas County, and is over the age of twenty-one (21) years. Plaintiff is a consumer as defined by 15 U.S.C. § 1692a(3).
2. The Defendant, Wells Fargo Bank National Association doing business as Wells Fargo Auto (“Wells Fargo”), is a foreign corporation and was, in all respects and at all times relevant herein, doing business in the state of Texas in this district, and is registered to do business in Texas. Defendant Wells Fargo is in the business of financing consumer automobile loans and regularly

collects collateral and debts when it alleges the consumer has defaulted. Defendant Wells Fargo is a “debt collector” as defined by Tex. Fin. Code § 392.001(6). The debt at issue is a “consumer debt” as defined by Tex. Fin. Code § 392.001(6).

3. The Defendant, Resolvion, LLC (“Resolvion”), is a foreign entity and was, in all respects and at all times relevant herein, doing business in the state of Texas. The Defendant is engaged in the business of collecting consumer debts by using non-judicial self-help action in the repossession of automobiles from consumers residing in Dallas County, Texas and is a “debt collector” as defined by the FDCPA 15 U.S.C. § 1692a(6) and a debt collector as defined by Tex. Fin. Code § 392.001(6). Upon information and belief, Defendant Resolvion was attempting to collect a consumer debt as defined by the FDCPA and uses instrumentality of interstate commerce or the mails in a business wherein the principal purpose of which is the enforcement of security interests. The debt at issue is a “consumer debt” as defined by Tex. Fin. Code § 392.001(6).
4. The Defendant, Keel Recovery, Inc. (“Keel Recovery”) is a domestic entity and was, in all respects and at all times relevant herein, doing business in the state of Texas. The Defendant is engaged in the business of collecting consumer debts by using non-judicial self-help action in the repossession of automobiles from consumers residing in Dallas County, Texas and is a “debt collector” as defined by the FDCPA 15 U.S.C. § 1692a(6) and a debt collector as defined by Tex. Fin. Code § 392.001(6). Upon information and belief, Defendant Keel Recovery was attempting to collect a consumer debt as defined by the FDCPA and uses instrumentality of interstate commerce or the mails in a business wherein the principal purpose of which is the enforcement of security interests. The debt at issue is a “consumer debt” as defined by Tex. Fin. Code § 392.001(6).

JURISDICTION AND VENUE

5. This Court has jurisdiction under 15 U.S.C. § 1692k(d), and 28 U.S.C. § 1331, § 1332, and § 1367. Venue is proper in that the Defendants transacted business here, and the Plaintiff resides here.

NATURE OF CLAIMS AND FACTUAL ALLEGATIONS

Nature of Claims

6. Article 9 of the Texas Uniform Commercial Code provides that after default, a secured party may take possession of collateral without judicial process, "if it proceeds without breach of the peace." Tex. Bus. & Comm. Code § 9.609. *Davis v. Toyota Motor Credit*, No. H-12-00287, 2014 U.S. Dist. LEXIS 57362 (S.D. Tex. Mar. 31, 2014).
7. § 1692f(6) of the Fair Debt Collection Practie Act ("FDCPA") prohibits the "[t]aking or threatening to take any non-judicial action to effect dispossession or disablement of property if— (A) there is no present right to possession of the property claimed as collateral through an enforceable security interest; (B) there is no present intention to take possession of the property; or (C) the property is exempt by law from such dispossession or disablement." 15 U.S.C.A. § 1692f(6).
8. Tex. Fin. Code § 392.301(a)(1) states that debt collectors may not use violence or other criminal means to cause harm to a person or property of a person. Tex. Fin. Code § 392.301(a)(1).
9. "[I]n the civil context, Texas caselaw uses the terms 'assault,' 'battery,' and 'assault and battery' interchangeably, and we intend no distinctions among these terms." *Burns v. Intermodal Cartage Co.*, Civil Action No. 3:22-CV-00979-E, 2024 U.S. Dist. LEXIS 40847 (N.D. Tex. Mar. 8, 2024) (quoting *Waffle House, Inc. v. Williams*, 313 S.W.3d 796, 801 n.4 (Tex. 2010)).
10. The Texas Penal Code provides for three categories of assault—(1) assault with actual bodily injury, (2) threatening another with imminent bodily injury, or (3) causing physical contact with

knowledge that contact is offensive. *Pickens v. Fletcher*, No. 4:12-cv-1196, 2013 U.S. Dist. LEXIS 81687 (S.D. Tex. June 11, 2013)(citing Tex. Penal Code Ann. § 22.01 (West 2011)).

11. A creditor cannot delegate the duty of peaceable repossession to an independent contractor. *MBank El Paso, N.A. v. Sanchez*, 836 S.W.2d 151 (Tex., July 1, 1992).
12. A secured party that initiates the non-judicial self-help repossession can be held liable for the debt collection actions of their independent contractors under the Texas Debt Collection Practices Act. *See Cox v. Hilco Receivables, L.L.C.*, 726 F. Supp. 2d 659 (N.D. Tex. 2010).
13. This liability can also extend to torts such as assault and battery. *See Thomas v. GM Fin. Co.*, No. 5:19-CV-1418-DAE, 2020 U.S. Dist. LEXIS 251643 (W.D. Tex. July 13, 2020).

Defendants' Business Model

14. Upon information and belief, Defendant Wells Fargo contracts with Defendant Resolvion to recover consumer vehicles in which Defendant Wells Fargo claims a possessory interest.
15. Upon information and belief, this agreement states that Defendant Resolvion will provide services in the locating of the vehicle, the physical recovery of the vehicle, and the care of the vehicle post-recovery.
16. Defendant Wells Fargo pays Defendant Resolvion per recovery. This pay structure creates an incentive to recover as many vehicles as possible.
17. In turn, Defendant Resolvion contracts with local recovery entities to assist in the services it agreed to do on behalf of Defendant Wells Fargo
18. Upon information and belief, Defendant Resolvion pays the local recovery entity per recovery. This pay structure creates an incentive to recover as many vehicles as possible.
19. Upon information and belief, Defendant Wells Fargo and Defendant Resolvion maintain control over the recovery process by requiring compliance from the local recovery entity with both

Defendants' policies, procedures, insurance requirements, training, etc.

Facts Specific to This Case

20. Upon information and belief, at some time before January 2023, Defendant Wells Fargo obtained a security interest/lien in the 2018 Genesis G80 (VIN KMHGN4JE8JU227797) (the "Vehicle").
21. The Vehicle was purchased to be used primarily by Plaintiff for household/non-business purposes. At all times, Plaintiff maintained rightful physical control of the Vehicle.
22. In December 2022, Defendant Wells Fargo considered the Vehicle's account to be in default and sought to take possession of the Vehicle.
23. Defendant Wells Fargo contracted with Defendant Resolvion to take possession of the Vehicle.
24. In turn, Defendant Resolvion contracted with Defendant Keel Recovery to physically take possession of the Vehicle.
25. On January 3, 2023, Plaintiff came home from work in the Vehicle and parked to get his mail at the neighborhood mailbox.
26. Plaintiff noticed a man standing in the parking lot near Plaintiff's home. Since the neighborhood is behind a locked gate, Plaintiff became even more suspicious of the man.
27. Upon information, this man was an agent/employee of Defendant Keel Recovery, and therefore an agent of Defendant Wells Fargo and Defendant Resolvion, and had been in the neighborhood for some time attempting to locate the Vehicle.
28. Plaintiff drove to his driveway and had a short conversation with his daughter who was on the balcony of the Plaintiff's home.
29. At this point, Defendant Keel Recovery's tow truck was visibly approaching Plaintiff's home in order to take the Vehicle.
30. Plaintiff pulled the Vehicle into his garage and exited back outside in order to pull his daughter's

car into the driveway.

31. At this point, upon information and belief, the repossession agent on foot fired gunshot at Plaintiff.
32. Plaintiff fell to the ground and scrambled back to his home.
33. Plaintiff's daughter and neighbor looked out the window in reaction to the gunshot noises.
34. The repossession agent on foot ran to the gate and met the repossession agent in the truck at the gate since it could only be opened automatically by sensing an approaching vehicle.
35. Afterwards, Plaintiff immediately contacted 911 and the Dallas Police Department was dispatched.
36. The Dallas Police Department initiated an investigation and that investigation is still pending and ongoing.
37. Upon information and belief, Defendant Wells Fargo obtained possession of the Vehicle at a later date and disposed of it via auction.

COUNT ONE
FDCPA CLAIM AGAINST DEFENDANT RESOLVION AND DEFENDANT KEEL
RECOVERY

38. The Plaintiff adopts the factual averments and allegations of all the above paragraphs hereinbefore as if fully set forth herein.
39. The Defendant Resolvion and Defendant Keel Recovery engaged in collection activities and practices in violation of the Fair Debt Collection Practices Act.
40. Defendants took non-judicial action to attempt dispossession of the Vehicle without a present right of possession due to a breach of the peace in violation of 15 U.S.C. § 1692f(6).
41. A breach of the peace occurred due to the gunshot.
42. As a proximate cause of Defendants' conduct, the Plaintiff incurred monetary damages and has

suffered mental damages and the accompanying physical damages.

COUNT TWO
VIOLATIONS OF THE TEXAS DEBT COLLECTION PRACTICES ACT AGAINST
DEFENDANT WELLS FARGO, DEFENDANT RESOLVION, AND DEFENDANT
KEEL RECOVERY

43. The Plaintiff adopts the factual averments and allegations of all the above paragraphs hereinbefore as if fully set forth herein.
44. Defendants are debt collectors within the meaning of Tex. Fin. Code § 392.001(6).
45. Defendants, through their repossession agents directed to take possession of the Vehicle, violated Tex. Fin. Code § 392.301(a)(1) by using violence or other criminal means to cause harm to a person or property of a person.
46. The gunshot is considered violence.
47. As a proximate cause of Defendants' conduct, the Plaintiff incurred monetary damages and has suffered mental damages and the accompanying physical damages.

COUNT THREE
ASSAULT AND BATTERY AGAINST DEFENDANT WELLS FARGO, DEFENDANT
RESOLVION, AND DEFENDANT KEEL RECOVERY

48. The Plaintiff adopts the factual averments and allegations of all the above paragraphs hereinbefore as if fully set forth herein.
49. Defendants, through their repossession agents directed to the take the Vehicle, intentionally and knowingly threatened Plaintiff with imminent bodily injury by firing the gun.
50. The firing of the gun placed Plaintiff in fear of imminent bodily injury.
51. As a proximate cause of Defendants' conduct, the Plaintiff incurred monetary damages and has suffered mental damages and the accompanying physical damages.

AMOUNT OF DAMAGES DEMANDED

Plaintiff demands a judgment against the Defendants as follows:

52. Compensatory and punitive damages against the Defendants;
53. Remedies available under the FDCPA, including statutory damages, costs, and attorneys' fees and any other compensatory damages pursuant to 15 U.S.C. § 1692k; and,
54. Remedies available under cited Texas law, including statutory damage, costs and attorneys' fees and any other compensatory damages; and,
55. Such other and further relief that this Court deems necessary, just and proper.

PLAINTIFF DEMANDS TRIAL BY STRUCK JURY

/S/ JOHN C. HUBBARD
JOHN C. HUBBARD
Attorney for Plaintiff

OF COUNSEL:
JOHN C. HUBBARD, LLC
PO Box 953
Birmingham, AL 35203
(205) 378-8121
jch@jch-law.com

Placeholder for Exhibit B – Berkshire Medical Apts’ Video of Shooting

(This Exhibit is an MP4 video file. Since it cannot be electronically filed, it will be uploaded to a CD or flash drive and mailed to the Court.)

FIREARMS POLICY & ACKNOWLEDGEMENT

FIREARMS EXCLUSION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SECTION I – COVERAGES, COVERAGE A BODILY INJURY AND PROPERTY DAMAGE LIABILITY, 2. Exclusions and COVERAGE B PERSONAL AND ADVERTISING INJURY LIABILITY, 2. Exclusions are amended and the following added:


This insurance does not apply to claims, "suits," loss, damages, or costs or expenses, including but not limited to costs of defense, based on or directly or indirectly arising out of any use, existence, or threatened use or existence, of firearms of any kind by any insured, or any agent, representative, contractor or subcontractor, or any other person acting on behalf of any insured.

It is the intent of this endorsement to exclude from this insurance any claim, demand or "suit" as described above. Therefore, there shall be no duty or obligation on the part of the Company under this insurance to respond to, investigate or defend anyone, including but not limited to any insured, its agents, servants or "employees" or any third parties for any such claim, demand or "suit."

This exclusion applies whether or not such firearms has any function in your business, operations, premises, site or location.

ALL OTHER TERMS AND CONDITIONS OF THE POLICY REMAIN UNCHANGED.

Per the above restrictions outlined by our insurance provider, it is Keel Recovery's company policy to prohibit employees from carrying firearms in company vehicles. Please sign below your acknowledgement and that you agree to adhere to company policy.


Signature

6-15-2020

Date

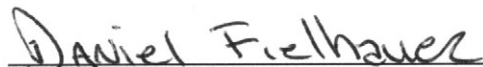

Print Name

EXHIBIT
C



Auto

Wells Fargo Auto
 MAY T90170228
 6061 N State Hwy 61
 Irving, TX 75068
 wells Fargo.com

11/17/2022

CHELLETTE CORDER

Account ending in: 0165

Subject: Requirement to strictly comply with Agreement

Dear CHELLETTE CORDER:

You are late in making your payments and action is needed to avoid possible repossession of your Vehicle.
 Please review the details below.

Brief description of your vehicle (Vehicle) and auto financing agreement (Agreement)

Make	GENESIS
Model	G80
Year	2018
VIN #	
Agreement dated	07/31/2021
Original amount of	\$

Amount now due to prevent potential repossession

Amount now due	Please pay the Amount now due by the Payment deadline .	
	Amount now due	\$
	Payment deadline	11/28/2022
	Please send your payment to: Wells Fargo Auto PO BOX 17900 DENVER, CO 80217-7900 You can call us with questions at 1-800-289-8004.	
Requirement to comply with your Agreement	Although we may have accepted late or partial payments in the past, going forward we may require you to comply with all the terms of your Agreement.	
Why it's important to pay the amount now due	If you do not pay the Amount now due by the Payment deadline , we may exercise our rights under the law, including repossessing the Vehicle and accelerating the balance of your Agreement. Accelerating the balance means the full amount you owe under the Agreement would become immediately due. If the Vehicle is repossessed, you may be required to pay certain costs related to the repossession. Examples of costs related to repossession may include, but are not limited to, the cost to take possession of and sell the Vehicle.	

About next monthly payment	Once you bring your account current, it is important that you continue to make your payments on time. As a courtesy, we are letting you know the Amount now due above does not include your next monthly payment, which is due on 11/30/2022. While you are not required to make this next payment now to prevent repossession of the Vehicle, if you do not make it by the due date, you will fall behind on your payments.	
	Next monthly payment	\$
	Monthly payment due date	11/30/2022

EXHIBIT
D



Please send your payment to:

Wells Fargo Auto
PO BOX 17900
DENVER, CO 80217-7900

We're here to help

If you have questions or would like to learn more about available payment methods, please call us as soon as possible at 1-800-289-8004, Monday - Friday, 7:00 a.m. to 9:00 p.m., or Saturday, 7:00 a.m. to 5:30 p.m. Central Time. For customers with hearing or speech disabilities, we also accept telecommunications relay service calls. Or, you can write us at:

Wells Fargo Auto
PO BOX 17900
DENVER, CO 80217-7900

Thank you.

Wells Fargo Auto

The laws of some states require us to inform you that this communication is an attempt to collect a debt and that any information obtained will be used for that purpose.



**WELLS
FARGO****Auto**

July 16, 2022

CHELLETTE CORDER
[REDACTED]

Dear CHELLETTE CORDER:

Thank you for your recent deferment request. In order to process the deferment, we need to receive your signed and dated Deferment Authorization Form. Please note that if your deferment form is received after the date indicated in the Deferment Expiration Date box, we may be unable to process your request.

What you need to do

Please return your signed and dated form through one of the following options:

Overnight Mail

Wells Fargo Auto
Attn: CSS Deferments
MAC: T9010-037
250 E. John Carpenter Fwy
Irving, TX 75062-2710

First Class Mail

Wells Fargo Auto
Attn: CSS Deferments
MAC: T9010-037
PO Box 168048
Irving, TX 75016-8048

Return Fax

844-505-6407

What you need to know

Finance charges will continue to accrue on the unpaid balance at the contract rate. By deferring one or more installments, you will pay more finance charges than originally disclosed. After this deferment, you will need to continue making your full and timely payments on this loan. After the deferment period ends, more of the next payment will be applied to the interest that accrued during the deferment period, and less will go to the outstanding principal of your loan. As a result, assuming you make all remaining scheduled payments on time and in the agreed amounts after the deferment period ends, you will pay more interest over the term of your loan than you were originally scheduled to pay. If you choose to pay early, you could pay less interest. If you purchased any additional products along with your vehicle, such as Guaranteed Asset Protection (GAP) or credit insurance, please refer to the product agreement for information about how coverage might be impacted. The coverage period for additional products may not change even though you have a new account maturity date. Besides these items, all other terms of the account will remain the same.

Please note: We may only grant one deferment every 12 months.

If you have any questions, please call us at 1-800-289-8004, Monday - Thursday, 7:00 a.m. to 10:00 p.m., Friday, 7:00 a.m. to 9:00 p.m., and Saturday, 7:00 a.m. to 5:30 p.m. Central Time. For customers with hearing or speech disabilities, we also accept telecommunications relay service calls.

Thank you. We appreciate your business.

Wells Fargo Auto

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Deferment Authorization Form

I, CHELLETTE CORDER, "borrower", requested on 07/16/2022 that Wells Fargo Auto defer the scheduled payment(s) on my contract or loan dated, 07/31/2021, as indicated below. I understand that the installment payment will be deferred. Therefore, this deferment will extend the maturity date on my original contract or loan agreement. My new maturity date is 09/30/2027. Wells Fargo Auto and I agree that, except as modified below, the contract or loan shall remain in full force and effect.

Account Number	Original Payment Due Date	Deferment Expiration Date	Month(s) Deferred	Payment Month(s) Deferred
[REDACTED] 0165	04/30/2022	07/26/2022	2	04/22-05/22
Payment Amount Deferred	Next Payment Due Date	Next Scheduled Payment Amount	If you return this form by fax, you do not need to mail the form to us. Keep a copy for your records.	
\$ [REDACTED]	06/30/2022	\$ [REDACTED]		

YOUR SIGNATURE AND DATE ARE REQUIRED

X R. Hudson 7/18/22

Wells Fargo Auto Authorized Signature

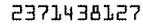
Date

X CHELLETTE CORDER 7/18/22

Borrower Signature

CHELLETTE CORDER

Date







Auto

Wells Fargo Auto
 MAY T90170228
 6061 N State Hwy 61
 Irving, TX 75068
 wells Fargo.com

07/19/2022

CHELLETTE CORDER

Account ending in: 0165

Subject: Requirement to strictly comply with Agreement

Dear CHELLETTE CORDER:

You are late in making your payments and action is needed to avoid possible repossession of your Vehicle.
 Please review the details below.

Brief description of your vehicle (Vehicle) and auto financing agreement (Agreement)

Make	GENESIS
Model	G80
Year	2018
VIN #	
Agreement dated	07/31/2021
Original amount of	\$

Amount now due to prevent potential repossession

Amount now due	Please pay the Amount now due by the Payment deadline .	
	Amount now due	\$
	Payment deadline	07/29/2022
	Please send your payment to: Wells Fargo Auto PO BOX 17900 DENVER, CO 80217-7900 You can call us with questions at 1-800-289-8004.	
Requirement to comply with your Agreement	Although we may have accepted late or partial payments in the past, going forward we may require you to comply with all the terms of your Agreement.	
Why it's important to pay the amount now due	If you do not pay the Amount now due by the Payment deadline , we may exercise our rights under the law, including repossessing the Vehicle and accelerating the balance of your Agreement. Accelerating the balance means the full amount you owe under the Agreement would become immediately due. If the Vehicle is repossessed, you may be required to pay certain costs related to the repossession. Examples of costs related to repossession may include, but are not limited to, the cost to take possession of and sell the Vehicle.	

About next monthly payment	Once you bring your account current, it is important that you continue to make your payments on time. As a courtesy, we are letting you know the Amount now due above does not include your next monthly payment, which is due on 07/30/2022. While you are not required to make this next payment now to prevent repossession of the Vehicle, if you do not make it by the due date, you will fall behind on your payments.	
	Next monthly payment	\$
	Monthly payment due date	07/30/2022



Please send your payment to:

Wells Fargo Auto
PO BOX 17900
DENVER, CO 80217-7900

We're here to help

If you have questions or would like to learn more about available payment methods, please call us as soon as possible at 1-800-289-8004, Monday - Friday, 7:00 a.m. to 9:00 p.m., or Saturday, 7:00 a.m. to 5:30 p.m. Central Time. For customers with hearing or speech disabilities, we also accept telecommunications relay service calls. Or, you can write us at:

Wells Fargo Auto
PO BOX 17900
DENVER, CO 80217-7900

Thank you.

Wells Fargo Auto

The laws of some states require us to inform you that this communication is an attempt to collect a debt and that any information obtained will be used for that purpose.



CONFIDENTIAL - ATTORNEY EYES ONLY

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WELLS 000164 Page 2 of 2



PRESORT
First-Class Mail
U.S. Postage and
Fees Paid
WSO

20220617-357





Auto

Wells Fargo Auto
 MAY T90170228
 6061 N State Hwy 61
 Irving, TX 75068
 wells Fargo.com

06/17/2022

CHELLETTE CORDER



Account ending in: 0165

Subject: Requirement to strictly comply with Agreement

Dear CHELLETTE CORDER:

You are late in making your payments and action is needed to avoid possible repossession of your Vehicle.
 Please review the details below.

Brief description of your vehicle (Vehicle) and auto financing agreement (Agreement)

Make	GENESIS
Model	G80
Year	2018
VIN #	[REDACTED]
Agreement dated	07/31/2021
Original amount of	\$ [REDACTED]

Amount now due to prevent potential repossession

Amount now due	Please pay the Amount now due by the Payment deadline .	
	Amount now due	\$ [REDACTED]
	Payment deadline	06/27/2022
	Please send your payment to: Wells Fargo Auto PO BOX 17900 DENVER, CO 80217-7900 You can call us with questions at 1-800-289-8004.	
Requirement to comply with your Agreement	Although we may have accepted late or partial payments in the past, going forward we may require you to comply with all the terms of your Agreement.	
Why it's important to pay the amount now due	If you do not pay the Amount now due by the Payment deadline , we may exercise our rights under the law, including repossessing the Vehicle and accelerating the balance of your Agreement. Accelerating the balance means the full amount you owe under the Agreement would become immediately due. If the Vehicle is repossessed, you may be required to pay certain costs related to the repossession. Examples of costs related to repossession may include, but are not limited to, the cost to take possession of and sell the Vehicle.	

About next monthly payment	Once you bring your account current, it is important that you continue to make your payments on time. As a courtesy, we are letting you know the Amount now due above does not include your next monthly payment, which is due on 06/30/2022. While you are not required to make this next payment now to prevent repossession of the Vehicle, if you do not make it by the due date, you will fall behind on your payments.	
	Next monthly payment	\$ [REDACTED]
	Monthly payment due date	06/30/2022



Please send your payment to:

Wells Fargo Auto
PO BOX 17900
DENVER, CO 80217-7900

We're here to help

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Wells Fargo Auto

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WELLS 000167 Page 2 of 2

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BOBBY HARDRICK)
)
Plaintiff,) CIVIL ACTION
) NO. 3:24-CV-00014-D
v.)
)
WELLS FARGO BANK NATIONAL)
ASSOCIATION; RESOLVION, LLC;)
KEEL RECOVERY, INC.)
)
Defendants.)

ORAL DEPOSITION OF BOBBY HARDRICK, JR.

APPEARING REMOTELY FROM DALLAS, TEXAS

JANUARY 23, 2025

ORAL DEPOSITION OF BOBBY HARDRICK, JR., a witness
produced at the instance of the Defendants, was taken in
the above-styled and numbered cause on the 23rd day of
January 2025, from 9:35 a.m. to 3:02 p.m., before Dawn
Baldwin, CSR in and for the State of Texas, appearing
remotely from Parker County, Texas, reported by machine
shorthand pursuant to the Federal Rules of Civil
Procedure.

EXHIBIT
E

A P P E A R A N C E S

FOR THE PLAINTIFF:

John C. Hubbard
JOHN C. HUBBARD, LLC
P.O. Box 953
Birmingham, Alabama 35203
E-mail: jch@jchubbardlaw.com

FOR THE DEFENDANTS:

Essay Eden
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1	T A B L E O F C O N T E N T S	
2		PAGE
3	APPEARANCES.....	2
4		
5	BOBBY HARDRICK, JR.	
6	Examination by Mr. Eden.....	5
7	Examination by Mr. Hubbard.....	162
8		
9	Signature and Changes.....	166
10	Reporter's Certificate.....	168
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E X H I B I T S

Exhibit	Description	Page
Exhibit A	Records from Dallas Police Department	66
Exhibit B	911 Call Log	69
Exhibit C	Body Cam Footage of Officer Eric Urquiza	95
Exhibit D	Body Cam Footage of Officer Jean-Mario Paillant	112
Exhibit E	Body Cam Footage of Officer Carter Aktabowski	121
Exhibit F	Video from Berkshire Medical District Apartments	164
Exhibit G	Medical Records	164

1 P R O C E E D I N G S

2 THE REPORTER: My name is Dawn Baldwin,
3 Texas CSR 4906. I am reporting the deposition remotely
4 by stenographic means from Weatherford, Texas. The
5 witness is located in Dallas, Texas.

6 BOBBY HARDRICK, JR.,
7 having been first duly sworn, testified as follows:

8 EXAMINATION

9 BY MR. EDEN:

10 Q. Good morning, sir. My name is Essay Eden. I'm
11 an attorney for Thompson, Coe. I represent the
12 defendants, Keel Recovery, Inc., Resolvion, and Wells
13 Fargo Bank National Association. Do you understand that
14 I am adverse to you today?

15 A. Yes.

16 Q. Have we ever met before, sir?

17 A. No.

18 Q. Now, we're here to talk about an alleged
19 incident on January 3, 2023 in which you allege you were
20 shot at. Do you know the incident I'm talking about,
21 sir?

22 A. Yes.

23 Q. And does that sound right, if I told you that
24 you alleged in your lawsuit against my clients that the
25 incident occurred on January 3, 2023, would that sound

1 correct?

2 A. Yes.

3 Q. Have you ever been deposed before?

4 A. No.

5 Q. Have you taken any medication today?

6 A. My normal medication for my Type II and my
7 hypertension.

8 Q. Have you had any alcoholic beverage today?

9 A. No.

10 Q. Good deal. Is there any reason today that you
11 would not be able to give true and accurate testimony?

12 A. No reason at all.

13 Q. Good deal. Now, I understand this is your
14 first deposition, so I'm going to go through the ground
15 rules with you. But before we do that, what is your
16 understanding of what a deposition is?

17 A. I believe it is to give you some facts and
18 answer questions the opposing attorney for the
19 defendants and get clarity on the alleged claim that
20 happened on January 3rd.

21 Q. So far so good. That's about right. It's a
22 little more than that as well, right? You just took an
23 oath to tell truth, so it's virtually the same testimony
24 you would give in open court if you were testifying at
25 trial or something like that. Does that make sense?

1 A. It does.

2 Q. Now, if I ask you a question and you don't
3 understand, will you please let me know?

4 A. Yes, sir.

5 Q. You're doing a great job right now, but could
6 you please only give me verbal answers? It's natural
7 for us to want to nod our heads or shake our heads or
8 say uh-huh or huh-uh, but it makes it difficult for the
9 court reporter to write it down. Is that okay if you
10 give me verbal answers?

11 A. That's okay.

12 Q. And, again, you're doing a great job, but
13 please answer each question I ask you unless your
14 attorney specifically instructs you not to. Is that
15 okay?

16 A. Yes.

17 Q. And if you need a break, will you let me know?

18 A. Yes.

19 Q. Now, if you don't tell me that you don't
20 understand my question, I'm going to assume you
21 understood it; is that fair?

22 A. That's fair.

23 Q. And, again, so far so good, can you let me
24 finish asking a question before you start answering and
25 then I'll return the same courtesy, I'll allow you to

1 finish answering my question before I ask my next one.

2 Is that okay?

3 A. That's okay.

4 Q. Could you please provide your full name for the
5 record, sir?

6 A. Bobby Lee Hardrick, Jr.

7 Q. Your date of birth is May 26, 1972, right?

8 A. Correct.

9 Q. You previously lived in Illinois before moving
10 to Texas, correct?

11 A. Correct.

12 Q. Were you born in Texas or were you born in
13 Illinois?

14 A. I was born in Missouri.

15 Q. Were you raised in Missouri?

16 A. No. I was raised in Illinois.

17 Q. Did you live in Missouri before you moved to
18 Illinois?

19 A. No.

20 Q. Have you lived in Illinois your whole life
21 before moving to Texas?

22 A. Yes. No, not my whole life before moving to
23 Texas. That's not accurate.

24 Q. Where did you live other than Illinois and
25 Texas?

1 A. I lived in Oklahoma and I lived in -- I lived
2 in the Washington, D.C. area.

3 Q. So I think I got that. I think I got Oklahoma,
4 Washington, D.C. area, Illinois and Texas. Did I miss
5 anyone?

6 A. Not that recall. Iowa.

7 Q. What is your current address?

8 A. 5811 Savoy Place, Unit 413, Garland, Texas
9 75043.

10 Q. So I got 5811 Suborn (sic) Place. How do you
11 spell Suborn?

12 A. It's S as in Sam, A as apple, V as in Victor, O
13 as in octopus, Y as in yellow, Place.

14 Q. I got it. Savoy, S-A-V-O-Y?

15 A. Yes, sir.

16 Q. Perfect. Is that where you were living at the
17 time of the incident made the basis of this lawsuit?

18 A. No, sir.

19 Q. Where were you living at the time of the
20 incident, alleged, made the basis of this lawsuit?

21 A. I was staying 4730 Fairmount Street, Dallas,
22 Texas.

23 Q. Is that where you lived for the past five years
24 prior to the incident, alleged, made the basis of this
25 lawsuit?

1 A. No. I stayed in Arlington, Texas.

2 Q. Do you remember the address for that residence?

3 It's okay if you don't. It's okay. Yeah, it's -- I'm
4 sure your attorney will tell you -- at least we say this
5 in Texas -- it's not an examination, so I don't want you
6 to be guessing or anything like that. If you remember,
7 you can tell me. If you don't -- you know, if you don't
8 remember, that's quite all right too. Okay, sir?

9 A. Okay. I don't remember the exact address.

10 Q. No problem. No problem. I usually tell my
11 clients that you're testifying with personal knowledge
12 of relevant facts, right? So I just want you to tell me
13 what you do know and not need to speculate or -- you
14 don't have to connect any dots. This is not -- we used
15 to do that a lot in law school and it was exhausting,
16 I'll tell you that right now.

17 A. Okay.

18 Q. So when did you move from Arlington, Texas to
19 that 4730 Fairmount Street residence in Dallas?

20 A. I would say 2021.

21 Q. And how do you spell the street name for that
22 residence in Dallas, 4730?

23 A. F as in Frank, A as in apple, I as in igloo, R
24 as in Robert, M as in Mary, O as in octopus, U as in
25 umbrella, N as in Nancy, T as in Tom.

1 Q. And that's that apartment complex where you
2 allege the incident occurred, correct?

3 A. Correct.

4 Q. What's the name of that complex?

5 A. Medical District.

6 Q. Is it Berkshire Medical District Apartments?

7 A. Berkshire, yes, sir.

8 Q. I'm not familiar with Dallas. Is that because
9 it's in, like, the medical district area?

10 A. Yes.

11 Q. Got you. When did you move to Arlington?

12 A. 2014.

13 Q. What prompted you to move to Arlington from
14 Illinois?

15 A. I moved from Iowa to Arlington.

16 Q. What prompted you to move from Iowa to
17 Arlington?

18 A. Truck driving.

19 Q. Where did you live prior to Iowa? Did you move
20 there from Illinois?

21 A. Yes, from Chicago.

22 Q. And when did you leave Chicago?

23 A. Say that again.

24 Q. When did you leave Chicago?

25 A. I left -- I need to add Georgia. In 2008, I

1 went to Georgia.

2 Q. That's when I graduated high school, 2008.

3 A. Georgia?

4 Q. I didn't go to Georgia in high school. I just
5 graduated high school in 2008.

6 A. 2008.

7 Q. Yeah, yeah, yeah. I went to UT, University of
8 Texas.

9 A. Okay.

10 Q. Yeah. Go Bulldogs, though. I don't know if --
11 I don't think you rep the bulldogs. I don't think you
12 rep Georgia.

13 A. I don't rep the Bulldogs.

14 Q. Many Bulldogs don't rep Bulldogs right now.
15 What prompted you to leave Chicago to go to Georgia,
16 work?

17 A. Children.

18 Q. Where did you go to high school?

19 A. I went to John Marshall -- I finished high
20 school at John Marshall in Oklahoma City.

21 Q. Did you graduate from there?

22 A. Yes.

23 Q. What year did you graduate John Marshall High
24 School?

25 A. 1990.

1 Q. That's when I was born. So you were born in
2 Chicago -- or I apologize, you were born in Missouri and
3 then lived in Illinois or did you live in Oklahoma?

4 A. Illinois.

5 Q. What prompted you to go from Illinois to
6 Oklahoma for high school?

7 A. Just opportunity for a sport.

8 Q. Did you get any additional education after high
9 school?

10 A. Yes. I went to St. Mary of the Plains College
11 in Kansas.

12 Q. St. Mary's college?

13 A. Yes.

14 Q. What did you study?

15 A. General. I was there on a basketball
16 scholarship, so I was just in general at the time there.

17 Q. What years did you attend St. Mary's in Kansas?

18 A. '90 and went to -- I transferred to Langston
19 University in '91.

20 Q. And how long were you at Langston University
21 for?

22 A. I went there roughly two years.

23 Q. Would it be safe to say '91 through '93 or '90
24 through '92?

25 A. I would say '90 through '92.

1 Q. Did you go to Langston for a basketball
2 scholarship as well?

3 A. I did not. They do not transfer on a
4 scholarship.

5 Q. And did you complete a program at Langston
6 University?

7 A. No, I didn't. I stopped at '92.

8 Q. Did you get any other education after that?

9 A. Yes. I went to Demarge College.

10 THE REPORTER: I'm sorry, can you repeat
11 that?

12 THE WITNESS: Demarge, D as in David, E as
13 in echo, M as in Mary, A as in apple, R as in Robert, G
14 as in George, E as in echo.

15 Q. (BY MR. EDEN) Did you complete a program
16 there?

17 A. Yes.

18 Q. And what did you study and complete?

19 A. That was microcomputer technician.

20 Q. Did you say microcomputer technician?

21 A. Yes, sir.

22 Q. Do you currently live by yourself at 5811 Savoy
23 Place, Unit 413, in Garland, Texas?

24 A. No, sir.

25 Q. Who do you live with?

1 A. My spouse.

2 Q. Did you say your spouse?

3 A. Yes, sir.

4 Q. Is it Chellette Corder?

5 A. No.

6 Q. What is the name of your spouse?

7 A. Constance Hardrick, which is C, O as in
8 octopus, N as in Nancy, S as in Sam, T as in Tom, A as
9 in apple, N as in Nancy, E as in echo.

10 THE REPORTER: I'm sorry, it's -- I don't
11 know if I'm the only one having an issue. It's cutting
12 out.

13 MR. HUBBARD: No, I didn't get any of that.

14 MR. EDEN: I think Mr. Hardrick's bandwidth
15 is low.

16 THE WITNESS: Constance. Is that a better
17 volume?

18 MR. EDEN: I think, Ms. Court Reporter, the
19 bandwidth may be a little low for Mr. Hardrick and so
20 it's causing a lot of moments where it freezes.

21 (Technical difficulties.)

22 (Discussion off the record.)

23 Q. (BY MR. EDEN) Just to pick up where we left
24 off, we were discussing living with your spouse,
25 Constance Hardrick?

1 A. Yes.

2 Q. Constance is spelled C-O-N-S-T-A-N-C-E,
3 correct?

4 A. Correct.

5 Q. When did you guys get married?

6 A. 2023.

7 Q. Congratulations.

8 A. Thank you. I'm trying to mute this tablet.

9 Q. Yeah. I'm hearing my own voice.

10 (Technical difficulties.)

11 Q. (BY MR. EDEN) Do you guys have any kids, you
12 and Constance?

13 A. Yes.

14 Q. How many kids do you guys have?

15 A. We have one.

16 Q. When did you have your child with Constance?

17 A. 26 years ago.

18 Q. Son or daughter?

19 A. Daughter.

20 Q. Good deal. What's the name of your daughter?

21 A. Cierra.

22 Q. Does she live in Texas with you too?

23 A. No. She lives in Oklahoma.

24 Q. Did she go to Oklahoma to be a Sooner?

25 A. She's from Oklahoma, actually. I'm assuming

1 she's a Sooner.

2 Q. That's okay. I don't want to prejudice any
3 potential jurors we may get on the panel, you know what
4 I mean? I'll keep my opinions about Oklahoma to myself.

5 A. All right.

6 Q. Although I will say my favorite quarterback to
7 watch is Baker Mayfield every day of the week, him and
8 Jameis Winston. Anybody who tells me -- I had a
9 witness, he went to Florida State University. At least
10 ten minutes of that deposition, we were just talking
11 about Florida State University.

12 A. Okay. Okay.

13 Q. Did you live by yourself at the time of the
14 incident made the basis of this lawsuit?

15 A. No, sir.

16 Q. Who did you live with?

17 A. I stayed with my daughter Asia.

18 Q. And how do you spell Asia?

19 A. A-S-I-A.

20 Q. Did anyone else live with you -- with Asia at
21 the time of the alleged incident made the basis of this
22 lawsuit over at 4730 Fairmount Street?

23 A. No.

24 Q. What was the unit you guys were living in in
25 4730 Fairmount?

1 A. 4307.

2 Q. That's also jarring because 4730 and then 4307
3 look a lot alike.

4 A. Yes, sir.

5 Q. Have you been married before other than your
6 current marriage with Constance?

7 A. No.

8 Q. Are you currently employed?

9 A. I'm injured.

10 Q. I am so sorry for coughing over your answer.
11 Did you say you were injured?

12 A. Yes.

13 Q. Now, what do you mean by that? Are you
14 currently employed by folks, but you're not generating
15 any income because you're hurt and currently not working
16 or do you not have an employer?

17 A. I don't have an employer currently.

18 Q. Could you describe your injury? Is it a
19 physical one?

20 A. Physical, yes.

21 Q. What happened?

22 A. First, I pulled my shoulder and elbow on one
23 date, and then 30 days later, a young lady on Texas
24 highways ran into my semi, the back of the trailer.

25 Q. Did she run into it with a vehicle or did she

1 physically run into it?

2 A. She ran into it with a vehicle. It was in rush
3 hour. She was going faster than the conditions required
4 and ran into the back of the trailer on the highway.

5 Q. When was the last time you were employed?

6 A. September 26, 2024.

7 Q. Is that also the date of the accident with this
8 young lady in rush hour traffic?

9 A. The date of the accident was September 24,
10 2024.

11 Q. And what was the condition of you leaving your
12 employer? Were you involuntarily terminated or did you
13 voluntarily decide to stop working there?

14 A. Involuntary.

15 Q. And who was this employer?

16 A. DTI Transportation.

17 Q. Did you say D as in delta?

18 A. D as in delta, T as in Tom, I as in igloo.

19 Q. Is that the definition for I? I actually don't
20 know. I think you're right. Is it igloo?

21 A. Yeah, that's what I say.

22 Q. I like it. I'm taking it. I like it. Did
23 they give you a reason why they involuntarily let you
24 go?

25 A. The reason stated unsatisfactory performance.

1 Q. My girlfriend got fired from her job. She's an
2 insurance defense lawyer as well and she got the
3 official reason of why she was let go by the law firm
4 and then, well, of course, with my girlfriend, there's
5 always a different reason, her reason. Do you feel like
6 you have the same experience? Do you have maybe an idea
7 or a thought about what a different reason may have been
8 why you were told that you didn't have a job over at DTI
9 anymore?

10 A. Absolutely.

11 Q. And what are your thoughts? Why do you think
12 you were told to leave?

13 A. What I believe?

14 Q. Yeah, Bobby, what you believe, sir.

15 A. Retaliation.

16 Q. Retaliation for what? What did you do for them
17 to retaliate against you for?

18 A. Well, I didn't -- at the time I didn't -- I
19 didn't -- I had an injury on August and then 30 days
20 later had a no-fault accident.

21 Q. You think they retaliated against you because
22 of your injuries from the August and September injuries?

23 A. I would say so, yes.

24 Q. And what were you doing for DTI?

25 A. I was a truck driver.

1 Q. What was the nature of your relationship with
2 DTI? Sometimes folks could be hot-shotters.
3 Sometimes -- I can tell you right now, my uncle retired
4 from Shell at 60 years old, 65, and suddenly decides to
5 start a trucking company. Some of those folks are
6 hot-shotters and some of those folks are on the official
7 payroll. What was your relationship like with DTI?

8 A. I did shuttles, pulling 53-foot trailers,
9 driving a day cab. So I pulled a tractor-trailer. And
10 I also pulled doubles.

11 Q. Now, folks like myself, Bobby, who never really
12 got into the trucking industry other than, I guess, for
13 the folks that I represent defensively like a lot of my
14 truck drivers, what does it mean to pull doubles?

15 A. Two 32-inch (sic) trailers. You saw on the
16 highway where you have like the UPS and the FedEx and
17 they're pulling two trailers instead of one 53-footer.

18 Q. Got you. That's what pulling double means. I
19 understand now.

20 A. Yeah.

21 Q. Did you ever try and seek any recourse for this
22 retaliatory termination? I mean, did you file for
23 unemployment? Did you reach out to the EEOC or anything
24 like and say, look, guys, I think I got wrongfully
25 terminated from my job?

1 A. I filed for unemployment.

2 Q. That claim for unemployment, is that still
3 pending or has it been already concluded?

4 A. When you say pending --

5 Q. Are they still trying to find out whether or
6 not you deserve unemployment benefits?

7 A. I've been paid. I'm actively on unemployment.

8 Q. Good deal. So it's concluded. They made a
9 determination that you deserve unemployment benefits?

10 A. Yes, sir.

11 Q. And what was the basis behind their conclusion?
12 Did they ever send you anything or tell you anything
13 over the phone or write something to you in the mail?

14 A. They did mail.

15 Q. Did they tell you what the reason was behind
16 their conclusion in determining you deserve unemployment
17 benefits?

18 A. They did.

19 Q. And what was that reason?

20 A. The reason said during their investigation,
21 they found that my employer terminated me for other
22 reasons than misconduct.

23 Q. In other words, you didn't do anything wrong
24 enough for them to fire you, correct?

25 A. I didn't do -- it wasn't classified as

1 misconduct, which would disqualify me for receiving
2 unemployment benefits. So they found that it was a
3 reason other than any qualification for dis -- not
4 qualifying for unemployment.

5 Q. I see what you're saying. So then my question
6 was a little overbroad then, right? At the very least,
7 what they've determined was you haven't done anything to
8 disqualify you from being provided unemployment
9 benefits, correct?

10 A. Correct. Correct.

11 Q. Thank you for clearing that up.

12 A. You're welcome.

13 Q. Now, did your employer -- did DTI ever come out
14 and say, hey, look, we think you've performed
15 unsatisfactorily, here are some reasons why, or did they
16 just tell you they're letting you go for unsatisfactory
17 performance?

18 A. Well, that was stated on the determination
19 letter. They never had contact with me after that. But
20 for me to be led otherwise was communication -- text
21 messages between my boss and I led me to believe I was
22 doing an above average job.

23 Q. Now, let's go and talk about those injuries
24 that you suffered from that you're telling me DTI
25 retaliated against you by terminating you. There was an

1 August incident where you pulled your shoulder and
2 elbow. Do you remember telling me that?

3 A. Yes.

4 Q. All right. What date was that? I know it was
5 in August 2024, but I may have missed the specific date.

6 A. August 24, 2024.

7 Q. Wow, 30 days on the dot.

8 A. On the dot.

9 Q. What happened in August 2024 that led to you
10 pulling your shoulder and elbow?

11 A. I was delivering freight from FedEx to a FedEx
12 facility in Fort Worth. And to pull doubles or pups, in
13 truck lingo, you have to have a dolly to connect both
14 trailers to pull. And the dolly malfunctioned, so I
15 gave it extra efforts to try to disconnect the dolly.
16 They, like, don't want drivers leaving equipment
17 connected. It slows down the process of getting the
18 freight off the trailer onto the dock and going to its
19 destination. So I gave it an extra effort and it was
20 still malfunctioning. I heard a pop and my arm and
21 shoulder started burning. And that's how that happened
22 on August 24, 2024.

23 Q. Do you know if DTI is a Texas-based company or
24 is it based elsewhere?

25 A. Multiple. Headquarters is Indiana --

1 Indianapolis, Indiana. They have a facility in Florida,
2 a facility in Lancaster, Texas.

3 Q. Got you. And you were working with the
4 Lancaster, Texas arm of DTI, correct?

5 A. Correct.

6 Q. Did they provide workers' comp benefits?

7 A. They do.

8 Q. And did you make a claim for workers' comp
9 benefits while you were working for DTI after August 24,
10 2024?

11 A. I went to the doctor. They sent me to a
12 workman's comp doctor on August 25th. I reported. I
13 finished working through the night and woke up with a
14 swollen arm, just injured. So I reported it to my
15 supervisor, and they sent me to a workman's comp
16 facility and I went back to work injured.

17 Q. Do you remember the name of this doctor that
18 you went to?

19 A. It was CareNow.

20 Q. Where was this CareNow located?

21 A. Garland, Texas.

22 Q. And what did this doctor over at CareNow in
23 Garland, Texas tell you was the reason behind your
24 symptoms, right? Did he tell you -- did he diagnose you
25 with something and say, hey, look, you've got a shoulder

1 tear or something like that, labrum tear or something
2 like that?

3 A. Not at that moment.

4 Q. How would you describe this appointment that
5 you had with this doctor in Garland, Texas at CareNow on
6 August 25th? Would you say that was an initial
7 consultation like your first appointment with them when
8 you presented with your complaints?

9 A. Yeah, that was the initial -- that was the
10 initial visit.

11 Q. At the end of this appointment, did he tell you
12 what to do?

13 A. Yes. He gave me restrictions. It was a
14 female. It was a lady doctor, and she put restrictions
15 and I believe -- I believe, I want to say, some
16 prescriptions for pain at that time and wanted to follow
17 up.

18 Q. Do you remember the medication that you were
19 taking in order to address the shoulder and elbow
20 injuries you suffered from?

21 A. The medication that was -- it was -- I want to
22 say some Ibuprofen. I want to say that. I'm not for
23 sure. I don't recall.

24 Q. When I was in high school -- I think it
25 happened a little sooner than that, but I hurt my back

1 pretty bad diving in for a tackle and went to a hospital
2 here in Houston, Texas called Kelsey-Seybold clinics and
3 got some MRIs done and then the doctor said, I'm going
4 to prescribe you some stuff. And he prescribed me a
5 muscle relaxer because I was dealing with a whole lot of
6 pain in my low back, but then he also gave me pain
7 medication, right, something to help manage the pain.
8 Do you remember if you were prescribed anything like
9 that, both maybe a muscle relaxer or some pain
10 medication in order to manage the pain?

11 A. I believe -- I don't believe it was a muscle
12 relaxer that day. I don't recall. Let me see.

13 Q. That's okay. That's okay. Like I said, if you
14 don't remember, you don't have to -- we can always, you
15 know, figure it out later in the life of litigation even
16 if it's important or relevant, right, but right now,
17 don't worry, it's not an examination.

18 A. Okay. Yeah, I don't recall the exact
19 medicines.

20 Q. Did they instruct you to follow up with them on
21 a later date? Did you have to schedule an appointment?
22 I'll tell you right now, going to my dentist is like
23 going to a body shop for my car. You go in there for a
24 cleaning and suddenly they're setting you up with eight
25 appointments and you need Invisalign. I'm sure it's

1 some type of Invisalign industrial complex thing. But
2 did they ever tell you to come back and do a follow-up
3 appointment?

4 A. Yes, they did.

5 Q. Okay. And what did they tell you to follow up
6 for?

7 A. Just to see if -- I guess to see if it's
8 improving to lift the restriction or just to follow up
9 for -- to check on the diagnosis.

10 Q. Did they tell you that you needed to follow up
11 for any additional examination, maybe some radiological
12 ones like an MRI, CAT scan, EKG or anything like that?

13 A. Not -- not this -- not at this time, no. They
14 took x-rays at the -- at the initial visit.

15 Q. Got you. And they went over these x-rays with
16 you after they performed the examinations?

17 A. Yes.

18 Q. And what did they tell you they found in those
19 x-rays?

20 A. Well, she could tell my range of motion was
21 limited. There was some swelling, I believe, no
22 fractures, no broken bones. That's about the extent
23 that -- the x-ray doesn't magnify the tissue or what an
24 MRI or a CAT scan can see. So that was what I got at
25 the facility, an x-ray, no broken bones, no fractures.

1 Q. Other than the physical examination at your
2 consultation at CareNow on August 25, 2024, and other
3 than the x-rays that were performed at CareNow on
4 August 25, 2024, did these providers -- these healthcare
5 providers perform any other types of examinations on
6 you?

7 A. No, I don't -- I mean, just the basic
8 examination for the complaint of, you know, shoulder,
9 elbow, arm, the extent of what she could do on that --
10 with that visit.

11 Q. How many appointments total did you have in
12 order to address the injury that you suffered from on
13 August 24, 2024?

14 A. I had the initial visit. Then I had went to my
15 PCP and back to work.

16 Q. Who is your PCP?

17 A. Gary Vollenweider.

18 Q. Does he practice out of Garland, Texas?

19 A. No, Dallas, Texas.

20 Q. Now, this is a completely okay thing if you
21 don't know spelling, but is Vollenweider spelled V as in
22 Victor O-L-L-E-N-W-E-I-D-E-R?

23 A. Yes.

24 Q. Does he practice out of Carrollton Regional
25 Medical Center?

1 A. No.

2 Q. Texas Native Health?

3 A. Yes.

4 Q. Thank you.

5 A. You're welcome.

6 Q. Now, you got the date pretty locked in when you
7 went to CareNow and got treated over at Garland on
8 August 25th. Do you remember when you went to go see
9 Dr. Vollenweider?

10 A. August 26th.

11 Q. I'm guessing the folks over at CareNow gave you
12 the discharge instructions to follow up with your
13 primary care physician?

14 A. Yes.

15 Q. And what did Dr. Vollenweider do for you at
16 this appointment on August 26, 2024?

17 A. Actually, I was able to get back going to work.
18 Excuse me.

19 Q. Dr. Vollenweider gave you the green light to go
20 back to work?

21 A. It was his -- I want to say his nurse
22 practitioner.

23 Q. Did they do any examinations on you separate
24 and apart from the ones that were performed on CareNow
25 on August 25, 2024?

1 A. Well, my follow-up on that was -- I had COVID
2 in July, and my appointment was originally for a
3 follow-up after having COVID. So I was able to go in
4 and get a return to work as well as getting followed up
5 on my COVID.

6 Q. What was the primary purpose of going to Texas
7 Native Health on August 26, 2024? Was it for feeling
8 under the weather that was caused by having COVID or was
9 it for your shoulder and elbow injury from August 24,
10 2024?

11 A. I had a scheduled follow-up from having COVID
12 and merged the visit.

13 Q. And did Dr. Vollenweider determine that you
14 were good to go back to work for both your shoulder and
15 elbow injury as well as recovering from COVID?

16 A. It was his assistant, and I did get a return to
17 work.

18 Q. Did your nurse practitioner for your primary
19 care physician over at Texas Native Health on August 26,
20 2024 talk to you about your shoulder and elbow injuries,
21 maybe talk to you about what the causes were or what the
22 diagnosis is? Did they corroborate what the doctor at
23 CareNow said?

24 A. Actually, they didn't -- it wasn't -- they
25 didn't -- wasn't aware of workman's comp there.

1 Q. Got you. So you went to Texas Native Health
2 because you already had a standing appointment and then
3 you brought up the shoulder and elbow injury to them
4 after you discussed recovering from COVID with them?

5 A. My employer was asking for a return to work
6 note with no restrictions.

7 Q. I understand. What were your discharge
8 instructions after you finished your appointment over at
9 Texas Native Health on August 26, 2024? What did they
10 tell you you needed to do?

11 A. Return to work with no restrictions. No --
12 no -- no light duty work was available.

13 Q. Did they prescribe you any medication or
14 schedule a follow-appointment for you?

15 A. From there, I had an appointment with my
16 provider again. Actually, from -- within the 30 days,
17 no, I was -- I was working injured, but I had to work,
18 trying to keep my job. They didn't have light duty
19 work. So as a working man and -- and to provide, I had
20 to do what I had to do and go to work.

21 Q. I respect that. I respect that. My dad works
22 at a grocery store and he's worked there since, like,
23 2001. He cut his hand something bad. Only child. My
24 mom doesn't work. With a box cutter, he cut his hand
25 pretty bad. Workers' comp told him you're good to go

1 back to work man, you can go back to work. And he goes
2 to his own doctor. The doctor is like, no, man, you
3 need surgery, like, you could do some permanent damage.
4 You cut it so bad there's a little bit of nerve damage
5 there. My dad said the exact same thing, single income
6 household, went right back to work.

7 A. Or be put outside.

8 Q. Exactly, right, or put your family outside. He
9 risked the use of his dominant hand in order to keep me
10 going.

11 A. Good man.

12 Q. I appreciate that. I try to live up to that
13 example. It's easy for me to say sitting in my office
14 with heat and stuff, right?

15 A. I can see that. Different type of professions.

16 Q. Man, I'll tell you this, I've got a lot of
17 trucking clients. I represent a lot of drivers, so I've
18 got to jump into those trucks with them and drive with
19 them, do some inspections. I've got oil and gas
20 clients. I go out there on those well sites and I'm
21 like, this is something else. This is -- it's like
22 something, like, out of a fantasy. I can't believe
23 human ingenuity engineered this. It's these huge --
24 they're like seventh, eighth, ninth wonders of the
25 world. How many appointments total did you have for

1 your injury on August 24, 2024? I've got a consultation
2 at CareNow. I've got an appointment at Texas Native
3 Health. Were there any other appointments or any other
4 treatment you received for your shoulder and elbow?

5 A. Before -- before termination?

6 Q. At all, just in total for just that August 24,
7 2024 injury.

8 A. So there's no time frame?

9 Q. Yeah, no time frame, just for the injuries you
10 suffered from -- related to your shoulder and elbow.

11 A. Yeah, there's multiple doctors' appointments,
12 therapy, physical therapy, that is. Like I said, I'm
13 still injured, so I do get medical treatment for these
14 injuries. So yes, for August 24, 2024, I am still being
15 treated for that.

16 Q. Got you. Did anyone ever tell you that you're
17 going to need a surgery or placed on disability or that
18 you're impaired or anything like that as it relates to
19 the injuries you suffered from on August 24, 2024?

20 A. The day before yesterday I was in the
21 orthopedic's office, and being that he was able to --
22 I've been in physical therapy since October 15, 2024.
23 I'm currently in physical therapy. The injuries are
24 progressing. So he had a check mark list that he was
25 able to -- I got the shots, physical therapy all the way

1 up until he couldn't check off anymore right before
2 surgery. So he did request surgery on my shoulder.
3 There's a couple of tears in there on the rotator cuff
4 and the tendon.

5 Q. Got you.

6 A. Along with my elbow, there's a couple of tears
7 in there as well.

8 Q. Now, I want to talk to you about the injury you
9 suffered from on September 24, 2024. Do you understand
10 which incident I'm wishing to talk about? Mr. Hardrick,
11 are you still there?

12 MR. EDEN: I think we may have -- I think
13 we may have lost Mr. Hardrick. If we could take a short
14 break for five minutes.

15 A. Yeah, can you hear me?

16 Q. (BY MR. EDEN) I can hear you now. Okay.
17 Good. Good deal.

18 A. Can you hear me?

19 Q. Yes, sir, we're good.

20 A. Okay. All right.

21 Q. Now, I want to talk to you about the injuries
22 you suffered from on September 24, 2024. Is that okay?

23 (Technical difficulties.)

24 MR. EDEN: I think we may need to go off
25 the record for a few minutes.

1 MR. HUBBARD: Yeah.

2 MR. EDEN: Sorry, Guys.

3 (Break taken from 10:32 to 10:41.)

4 Q. (BY MR. EDEN) Mr. Hardrick, before we took our
5 break, we were starting to talk about the injuries
6 you're alleging you suffered from on September 24, 2024.
7 Do you know the incident that I'm wishing to discuss?

8 A. It just went blank.

9 Q. I'm sorry?

10 A. My -- let me see, start video.

11 MR. HUBBARD: We can still hear you.

12 Q. (BY MR. EDEN) Yeah, I can still hear you. We
13 can still talk about it.

14 A. Okay. Yes, I do.

15 Q. Good deal. Good deal. You described that as a
16 car accident where a young lady during rush hour traffic
17 ran into your semi truck. Does that sound like an
18 accurate description of how the accident occurred on
19 September 24, 2024?

20 A. That is what the police report reads, yes.

21 Q. Good deal. You already anticipated my
22 question. Did the police come out and investigate the
23 crash?

24 A. Yes. Actually, the sheriffs because it was in
25 the Dallas County -- in the portion of Dallas on the

1 highway -- interstate.

2 Q. Got you. And what vehicle were you operating?

3 I mean, was it your semi truck or was it another one?

4 A. Company truck.

5 Q. Were you working at the time of the accident?

6 A. Yes.

7 Q. What time of day was the accident?

8 A. Beginning of rush hour, I want to say between
9 maybe 3:30, 4:00 p.m.

10 Q. And you anticipated my next question because
11 there's usually two clusters of rush hour traffic,
12 right? There's the morning rush hour traffic and then
13 the afternoon one, or if you live in Houston --

14 A. All day.

15 Q. -- just the entire day. Yeah, exactly.
16 Exactly. But, hey, just between us boys, it's what
17 keeps guys like me and your attorney still in business.
18 Do you know what I mean?

19 A. All right.

20 Q. All right. So how was traffic that day? I
21 mean, I understand it was rush hour traffic, but was it
22 stop and go? Were cars able to go with the flow of the
23 speed limit or how was the traffic?

24 A. Traffic that day, I was going roughly 32, so --
25 we were coming over a hill on the downgrade on I-20, so

1 I would say you had to pay attention. You had to, you
2 know, be cautious and give yourself some room and drive
3 accordingly. So it was rush hour, of course.

4 Q. You guys were traveling on I-20?

5 A. Yes.

6 Q. Good deal. And did the accident happen while
7 you were approaching an intersection? Were you on the
8 highway or were you on what we call in Houston a feeder
9 road?

10 A. I was on I-20 in the slow lane, the merging --
11 the lane merging off the feeder road. But there was
12 no -- no merge right there. It was just straight
13 highway.

14 Q. Okay. Do you know the name of the individual
15 who hit you?

16 A. I have the -- it's on the police report. A
17 young lady, 19 -- a 19-year-old young lady.

18 Q. Do you know what vehicle she was driving?

19 A. It was a Volkswagen.

20 Q. Do you know what type of vehicle it was? Was
21 it an SUV, a sedan, a hatchback?

22 A. I would say a sedan, four-door sedan.

23 Q. What lane was she traveling in when she
24 collided with your vehicle?

25 A. The slow lane. The outside lane.

1 Q. What lane were you occupying when the collision
2 occurred?

3 A. The same lane.

4 Q. Did she rear-end you?

5 A. Yes.

6 Q. Were you pulling doubles at the time?

7 A. 53-foot empty, thank God.

8 Q. Empty? Yeah.

9 A. Yes.

10 Q. When did you first notice her vehicle? Was it
11 upon impact or did you notice it before?

12 A. She was behind me. As I said, we was coming
13 over a hill, so I was on the downgrade. I first noticed
14 the vehicle when she ran into the trailer.

15 Q. Got you. So the first time you noticed her was
16 upon impact when she rear-ended you? It's not like you
17 noticed her moments before or minutes before or anything
18 like that?

19 A. Well, yeah, I noticed -- when you're coming
20 over -- a truck driver, you know all around your -- you
21 know, the head is on a swivel. So you use your Smith
22 System. So you know everything around you. As I said,
23 I -- at that precise direction going west on I-20 coming
24 over a hill, so I'm pretty sure she didn't see the semi
25 and was just doing highway speed at the time, came over

1 the hill. It was like the young lady stated in the
2 police report, she was going too fast for the
3 conditions --

4 Q. (BY MR. EDEN) That makes perfect sense.

5 A. -- and couldn't stop.

6 Q. That makes perfect sense. And right now I'm
7 mostly on a fact-finding mission just to understand the
8 nature of the mechanism of the injury. This is not a
9 car wreck case, so I'm not trying to, you know, dress up
10 any sort of liability on your part in terms of the car
11 accident. Do you understand that?

12 A. Right. Right. Right.

13 Q. Good deal. Good deal. And I represent plenty
14 of truck drivers where -- even my own experience,
15 sometimes cars are changing lanes real fast, so even if
16 I'm looking in my rearview mirror before I apply my
17 brakes, there may not be a car there. And just the
18 other day, I just watched a car just zoom right behind
19 an 18-wheeler really quickly. It's a miracle that she
20 didn't hit this semi. So I just wanted to understand
21 how much you knew about maybe the velocity of her
22 vehicle, the speed of it, and whether or not she looked
23 like she was braking suddenly. I really just want to
24 unpack what you have personal knowledge of, right, what
25 you saw, what you heard, maybe tires screeching, all

1 that type of stuff. From my understanding, what you're
2 telling me is that you first noticed her vehicle upon
3 impact. I mean, you can't tell me how fast she may have
4 been going or anything like that because when you went
5 over that hill, the next thing you know, you got hit by
6 this Volkswagen, correct?

7 A. Correct. We have an in-cab camera, so you know
8 the velocity was pretty fast if you can hear 72 feet
9 back from a automobile, a four-wheeler, opposed to an
10 18-wheeler going downhill. So I was empty. That's why
11 I say thank God I was not empty because she wouldn't
12 have been able to move that 18-wheeler forward just as
13 much as she did. But you can hear the impact all the
14 way up in the driver's seat of the truck, which is --
15 I'm operating the truck. I mean, it's just amazing
16 how -- it sounded like she was in the cab. That's how
17 hard she hit the -- the trailer. But the DOT bumper did
18 its job and didn't let her go underneath the trailer,
19 which was another --

20 Q. Miracle?

21 A. Yeah, there you go.

22 Q. That's the reason why I asked if you were
23 pulling doubles, because the way you're describing it,
24 I'm surprised she didn't get crushed by rear-ending you.

25 A. Well, the DOT bumper did what it was supposed

1 to do. And if I would have been loaded, then she
2 wouldn't have been able to move -- it would have been a
3 resistance on the DOT bumper because she wouldn't have
4 been able to push the -- the semi forward and especially
5 going down a hill. So at that -- going down that
6 decline, she's coming over a hill fast, so it's more
7 velocity than just being on a straight road opposed to
8 the forces of going down the hill.

9 Q. Did you call 911 or did someone else call 911?

10 A. I called 911. I called my safety guy. And the
11 young lady and her passenger, they actually got out of
12 the car and came to the semi. And I was concerned
13 because -- I drive trucks, so I know the -- the protocol
14 of when you have an accident. So I asked them why are
15 they out of the car, they should be sitting in the car
16 waiting for emergency services to come and -- because
17 they could be hurt and hurt themselves more trying to,
18 you know, do unnecessary movements. So that's what I
19 replied to them, and they went and got back in their
20 vehicle. So to answer your question, I did dial 911 and
21 emergency -- the EMS came out along with the Dallas
22 Sheriff's Department.

23 Q. Who all showed up at the scene? Was it just
24 the police or ambulance showed up, fire department? Who
25 all showed up to the scene?

1 A. Dallas -- all of it -- all of the above,
2 sheriffs -- Dallas sheriffs, Dallas EMS, Dallas fire
3 department.

4 Q. Were you injured as a result of the accident?

5 A. Yes.

6 Q. Were you --

7 A. I had suspenders on instead of a safety vest
8 along with the seat belt. So it -- the seat belt did
9 its job. The suspenders did more damage than -- than
10 just being visible for sight, per se, on -- you know, in
11 the work way as far as on a yard or -- you know, you're
12 supposed to have safety vests. We wore suspenders
13 instead of the whole vest itself. So being pushed
14 forward, the seat belt and the suspenders restrained me
15 as it was supposed to do, so I did receive injuries.

16 Q. Were you ambulated to a hospital?

17 A. I was.

18 Q. What hospital were you ambulated to?

19 A. I went to United Methodist Dallas.

20 Q. What were your complaints? What did you tell
21 them you were suffering from?

22 A. I was -- I was hurt. Of course, you know that
23 I was already injured from my shoulder, elbow and being
24 restrained forward because, you know, the seat belt
25 comes over the left shoulder, locks in at your right

1 thigh in the driver's seat. So with that being said,
2 being restrained from the forward motion, pulling me
3 back, it grabbed my back and my neck and my elbow. So
4 that's it.

5 Q. I'm sorry, I don't think I asked a very good
6 question. When I asked that question, I meant like what
7 body parts did you get injured. So I understand you
8 already hurt your shoulder and your elbow. Did you also
9 injure any additional body parts, maybe your neck, your
10 back, your head, anything like that?

11 A. Neck and back.

12 Q. Is that what you told them at United Methodist
13 in Dallas?

14 A. I believe. It should have been. That's what
15 it was. That's what I felt.

16 Q. I promise you, sir, I'm not going to be trying
17 to get you in any gotcha moments. So I'm not -- I know
18 they do that a lot.

19 A. I'll tell you what, I'm only speaking facts.

20 Q. I think -- I'm going to guess what you just
21 said because you broke up. I think you said you're only
22 speaking facts?

23 A. Only speaking facts and that -- that if I don't
24 recall, I don't recall. But I'm going to -- I'll answer
25 if I have the answer.

1 Q. Perfect. Perfect. Did you hurt anything else
2 other than your neck and back? Did you say you hurt
3 your head as well or anything else?

4 A. You know, it was an accident, so you're
5 frightened, you're in shock and you can only feel what
6 hurts. So my initial complaints was that that I spoke
7 of, the neck, the back, my arm was already hurting,
8 shoulder. So it was just -- and that was 30 days old.
9 And mind you, I was already working injured from the
10 August 24th accident. So I didn't really get any
11 treatment on the shoulder and the elbow. So yeah.

12 Q. Did they perform any type of --

13 A. That compounded it all together.

14 Q. Got you.

15 A. Excuse me?

16 Q. Did they perform any radiological examinations
17 on you like they did on August 25th?

18 A. Yeah, they did an x-ray.

19 Q. Did they do anything else other than an x-ray?

20 A. No. They gave me some -- actually, the -- they
21 were shorthanded, so a lot of patients in the emergency
22 room with very limited personnel. So they didn't give
23 me my prescription right away.

24 Q. Okay. Did they ever sit down with you after --

25 A. It just went out. Okay. Say that again.

1 Q. After they finished performing their
2 examinations with you, did they ever sit you down and
3 talk to you about what -- they told you they think is
4 going on and maybe the results or anything like that?

5 A. As I said, they were shorthanded, so it was
6 like a -- you know, you go to a restaurant, fast-food
7 and it's a drive-thru. You went through the drive-thru
8 because you kind of wanted to get out of the -- you
9 didn't want to go sit down in the restaurant and eat.
10 It was kind of like a drive-thru. They were shorthanded
11 again. So I got a drive-thru diagnosis and told to
12 follow up with my PCP.

13 Q. Got you. And were those all the instructions
14 you were provided? Did they tell you to go follow up
15 with your PCP? Did they not tell you to do anything
16 else, maybe prescribe you some medication?

17 A. It was -- I had to call back. You know, when
18 you go to an emergency room, it's a temporary diagnosis.
19 So they're going to -- if you're in pain, they're going
20 to prescribe you something for pain. If you're
21 inflamed, they're going to give you something for
22 inflammation and some instructions, ice it, heat it, and
23 what not to do or the combination of taking interacting
24 drugs. It's just a short visit to diagnose -- or check
25 to make sure you're not in an emergency situation and

1 need help right away.

2 Q. Got you.

3 A. So it was just a regular, routine emergency.

4 Q. Did you follow up with your primary care
5 physician, Dr. Gary Vollenweider?

6 A. September 6th, I went in.

7 Q. I'm sorry, did you say September 6th or October
8 6th?

9 A. 6th. No, October 6th, I'm sorry.

10 Q. No, you're good.

11 A. Correct, October 6th. I went in and we had a
12 two-week follow-up. I go to the doctor regularly, so
13 it's not strange for me to be -- go to a doctor. I make
14 sure that my -- I'm very well controlled in my diabetes
15 and my hypertension, so I come to the doctor routinely.

16 Q. Did you follow up with your primary care
17 physician at Texas Native Health on October 6th because
18 you were told to by United Methodist after the accident
19 on September 24, 2024?

20 A. I would say so. I believe so.

21 Q. And you reported those injuries that you
22 reported to at United Methodist as a result of the
23 September 24, 2024 accident at Texas Native Health,
24 correct?

25 A. Correct.

1 Q. And you told them you hurt your neck and your
2 back?

3 A. Yeah. I told them I was in an auto accident.
4 I showed them the video so he could see about where the
5 restraining -- you know, being thrown forward and then
6 restrained backwards. So he can pretty much
7 visualize -- see the visualization of the accident. And
8 from there, he asked me about my injuries from, you
9 know, August. So he referred me to physical therapy.
10 But at this moment, I was denied through workman's comp
11 on the -- on the injury.

12 Q. Yeah, both injuries were while you were
13 working?

14 A. Right. Right. But this is a big -- that's
15 you-all's job. I know. But I was only able to get -- I
16 was only able to get medical treatment under workman's
17 comp up until October 5th. And then they said that I
18 should have been healed in six to eight weeks, so
19 they're only going to allow me to go to the doctor
20 October 5th -- up until October 5th. So I literally had
21 to, you know, go to my PCP, go to the physical therapist
22 and get referred to the specialist on my own.

23 Q. And that was what I was going to ask next. Did
24 you complete that physical therapy program even though
25 your workers' comp was denied?

1 A. I'm still in physical therapy.

2 Q. Got you. And who is that specialist that you
3 were referred to?

4 A. I was referred to Ali Ashraf.

5 Q. Ali Ashraf?

6 A. Yes.

7 Q. Dr. Ashraf? Okay.

8 A. Dr. Ashraf from Baylor Scott & White.

9 Q. Yeah.

10 A. And that was from my PCP.

11 Q. Yeah. Are you still treating with Ali Ashraf
12 over at Baylor Scott & White Health?

13 A. Now I'm actually getting to the point where now
14 the workman's comp is starting to come into play, so --
15 because they had to -- they had to reopen the case from
16 August and they had to backtrack, workman's comp did.
17 So they had to reopen the case, and they're taking
18 responsibility for the shoulder and the elbow and saying
19 that they don't take responsibility for the accident.
20 So --

21 Q. Got you. But they're taking care of you now?
22 They're able to go retroactively and provide you
23 workers' comp benefits to continue to treat with
24 Dr. Ashraf?

25 A. Well, that -- that's the plan. Well, I'm

1 actually going to a workman's comp doctor. Dr. Ashraf
2 and Baylor Scott & White, as I said, that was from my
3 personal care -- PCP. So I had to -- with them denying
4 me, I had to go get treatment on my own.

5 Q. Got you. I understand. And did either Dr. Ali
6 Ashraf or the workers' comp doctor ever tell you you're
7 going to need any sort of interventional treatment like
8 a surgery or procedure to address these injuries from
9 September 24, 2024?

10 A. Well, I was -- I was sent to -- my workers'
11 comp doctor referred me to an orthopedic that's
12 workman's comp and basically put in a request to get --
13 go in and repair my shoulder.

14 Q. Got you. Any other referral for anything else,
15 maybe your neck or your back?

16 A. Yeah. I have a referral coming up in February.

17 Q. And what procedure is that for?

18 A. That's just to go over my -- my -- my back,
19 neck.

20 Q. I'm sorry if I didn't ask good enough of a
21 question. My question was, have you been referred for
22 any type of procedure or surgery for your neck or your
23 back?

24 A. No, I haven't.

25 Q. Got you. Perfect.

1 A. I've been referred to a pain management. Like
2 I said, this is all not on workman's comp. But I have a
3 future appointment in February to a neurosurgeon that's
4 workman's comp. So everything is being backtracked
5 because, like I said, it's just -- that's where we are
6 now in the situation. I was injured. I have to get
7 healed.

8 Q. Yeah, I completely understand. I appreciate
9 your explanation. I'm much less concerned about who
10 will be providing the benefits or paying for the
11 treatment. I'm much more concerned about what treatment
12 these professionals are telling you you will be needing.
13 Do you understand the distinction that I'm trying to
14 make, sir?

15 A. Right. Right. Right. I understand --

16 Q. Good deal.

17 A. -- the financial and then the medical.

18 Q. Correct. I'm focused on the medical, right?
19 So this referral that you've gotten for a pain
20 management doctor and for a neurosurgeon, what symptoms
21 are they referring you to address? Is that for your
22 neck and your back?

23 A. Yeah, the neuro is, of course -- the ortho is
24 for extremities, and the neuro is for, you know,
25 internal, the spine, thoracic, lumbar, cervical, neck,

1 things of that nature, the central nervous system, you
2 know, trauma.

3 Q. Did you open an injury claim against this young
4 lady?

5 A. Their -- their -- their insurance took
6 responsibility already.

7 Q. Did you have to hire a lawyer or file a lawsuit
8 for that to happen?

9 A. Yeah, I did.

10 Q. Okay. Do you remember the name of that law
11 firm or the name of your lawyer?

12 A. Schuerger & Shunnarah. I got a call from --
13 are you familiar with C-A-V-R?

14 Q. C-A-V-A-R?

15 A. C-A-V-R.

16 Q. C-A-V-R? No, I am not.

17 A. It stands for Constitutional Advocate for
18 Victim's Rights, and I received a phone call and I was
19 confused, asking them how did they get my number and how
20 did they know about this because it just recently -- it
21 just happened. And this was just like -- called me,
22 asked me could they -- actually, I wasn't even -- if I
23 could have went back to work September 26th, I would
24 have went back to work.

25 Q. Mr. Hardrick, I don't mean to interrupt you. I

1 apologize for interrupting you, but I want to make it
2 clear that I do not want you to answer any of my
3 questions with any conversations you may have had with
4 your current attorney or any other attorney that you
5 currently have representing you.

6 A. Okay.

7 Q. Do you understand that instruction, sir?

8 A. Right. Right. Yes.

9 Q. Good deal. And it's the same thing -- I used
10 to be a plaintiff's lawyer. I used to represent folks
11 who get into car wrecks and trucking accidents and then
12 somehow I found myself on the other side of the V
13 representing the folks driving those trucks, and I tell
14 everybody that exact same thing. Any question that I
15 ask -- I should have told you this at the beginning of
16 the deposition, so that's a failure on my part. That is
17 not in any way whatsoever a failure on yours. But if I
18 ask you any questions, it may be answered by telling me
19 the substance of the conversations with your attorneys,
20 but I want you to know that is not allowed. Okay, sir?

21 A. Sure.

22 Q. Good deal. Good deal. Good deal. Now, all I
23 want to know, without knowing the substance of the
24 conversations between you and your attorneys, the name
25 of that attorney if you have that available for you.

1 A. Schuerger & Shunnarah.

2 Q. How do you spell -- did you say Schuerger &
3 Shunnarah?

4 A. Schuerger. I want to say it's S-H-R-U-E-G-E-R
5 (sic), Schuerger.

6 Q. Got you. Got it.

7 A. Shunnarah is S-H-U-N-N-A-R-A-H, I believe.

8 Q. Yeah. I found it. Schuerger Shunnarah. Does
9 it look like these guys right here?

10 A. Screen sharing. Are they out of Alabama?

11 Q. No, they're out of Houston, Texas.

12 A. They have -- they're in 50 states, so I'm sure
13 that would be --

14 Q. It looks like it. Yeah, they've got Alabama
15 here, Alaska. Good deal.

16 A. Yes.

17 Q. I was wondering. I was like, I've never heard
18 of these folks before. But it looks like a majority of
19 them are out of -- I think they've only got one Texas
20 attorney, Edward Pollard. Is that the attorney you were
21 working with?

22 A. Yes.

23 Q. Gosh, I miss being a plaintiff's lawyer. Don't
24 tell my boss I said that. So do you remember if you had
25 to file a lawsuit as a result of that September 24, 2024

1 accident?

2 A. I didn't. I don't believe we filed a lawsuit.

3 Q. Got you. You were just able to make a claim
4 and then they took care of it for you?

5 A. I haven't received anything.

6 Q. And I think you told me their insurance took
7 care of it?

8 A. Well, they've accepted responsibility --
9 liability.

10 Q. I see. I see. Have you been compensated yet
11 for anything as a result of that claim? Did you say,
12 hey, man, my truck is messed up or I'm hurt, you need to
13 pay my bills?

14 A. No.

15 Q. Got you. Have you had to do anything like this
16 for that September 24, 2024 accident? Have you ever had
17 to sit down and speak with some other attorney?

18 A. Sit down and speak with some other -- are you
19 talking about in-person, audibly?

20 Q. What we're doing right now, like take a
21 deposition.

22 A. Oh, no, sir.

23 Q. Where were you working prior to working for
24 DTI?

25 A. I was working for Platinum Drivers.

1 THE REPORTER: I'm sorry, can you repeat
2 that, please?

3 THE WITNESS: Platinum Drivers, like
4 platinum, gold.

5 Q. (BY MR. EDEN) How long were you working at DTI
6 for?

7 A. It was coming up on my one year.

8 Q. Were you working for DTI on January 3, 2023?

9 MR. HUBBARD: Can't hear you, Bobby.

10 A. '23? No. No, I wasn't.

11 Q. (BY MR. EDEN) Were you working for Platinum
12 Drivers?

13 A. January 3, 2023?

14 Q. Yes, sir.

15 A. Is that the date of the accident?

16 Q. Yes, sir.

17 A. No.

18 Q. Who were you working for on January 3, 2023?

19 A. No, I was not working for -- JCTL Trucking.

20 Q. How long were you working for Platinum Drivers?

21 Mr. Hardrick, did you hear my question?

22 A. Yeah. I believe one year.

23 Q. What was your specific job title or role at
24 Platinum Drivers?

25 A. I was working for -- a dispatch job for Garland

1 Steel.

2 Q. And what prompted you to leave Platinum Drivers
3 and to join DTI?

4 A. My father was ill, and we --

5 (Technical difficulties.)

6 THE REPORTER: I'm sorry, Mr. Hardrick, can
7 you hear me? I didn't understand anything after "my
8 father was ill."

9 THE WITNESS: Yes, I hear you.

10 A. We were just trying to --

11 (Technical difficulties.)

12 Q. (BY MR. EDEN) Mr. Hardrick, could you repeat
13 your question -- or answer?

14 A. Yeah. Transitioning from his home into an
15 assisted living center in Oklahoma City, Oklahoma.

16 Q. Got it. So Platinum Drivers was an Oklahoma
17 business?

18 A. No, Texas.

19 Q. Were you working in Oklahoma for Platinum
20 Drivers while you were staying in Oklahoma?

21 A. No, I was living in Texas. My father was in
22 Oklahoma. We were transitioning him to an assisted
23 living center so he wasn't living alone. So I was
24 having to travel back and forth from Texas to Oklahoma
25 during this -- taking care of my father.

1 Q. Why did that require you to leave Platinum
2 Drivers?

3 A. Because they needed -- I was the only driver
4 there and they needed a driver to perform their everyday
5 duties, and I was not able to be there every day as far
6 as taking care of my father out of town. They needed --
7 they needed a driver for everyday duties at that time.

8 Q. Understood. Did you resign or did they
9 involuntarily let you go?

10 A. No, they just asked --

11 (Technical difficulties.)

12 A. Well, they ended the assignment is what they
13 did.

14 MR. EDEN: I didn't get that either, ma'am.

15 Q. (BY MR. EDEN) Could you repeat your answer?

16 A. Can you hear me? I said that they ended the
17 assignment. They ended the assignment.

18 Q. Got you. They ended the assignment. What do
19 you mean by that? Was it a contract job?

20 A. It was basically an agency -- driving agency.

21 Q. But you were not fired, correct?

22 A. They just said they ended the assignment.

23 Q. Are you in any position to testify today --

24 A. They needed a driver that was there.

25 Q. Good deal. I think I understand. Are you in

1 any position to testify today one way or the other if
2 you were fired or not?

3 A. They just worded it they ended the position and
4 they were looking for other -- I guess other accounts.
5 So they were looking for other accounts. I don't
6 believe they would have terminated me. They just ended
7 that position. That's how the driving agencies work.

8 Q. Got you. Got you. That position, that job,
9 that role was no longer available for Platinum Drivers
10 is what you're telling me? It's not like they said,
11 hey, man, I'm firing you?

12 A. They had -- they had filled that seat with
13 another driver to do their daily functions.

14 Q. I understand. And for JCTL Trucking, how long
15 were you working for them?

16 A. Two years.

17 Q. What was your specific job title or role at
18 JCTL Trucking?

19 A. That was over the road.

20 Q. Is that the specific job title, over the road?
21 Is that what they call it?

22 A. OTR, over the road.

23 Q. How did you find the job?

24 A. I ran -- that was my company.

25 Q. Oh, you ran the company. That JCTL is your

1 business?

2 A. It was a one -- one truck owner.

3 Q. How was it formed? Were you a hot-shotter when
4 you were working at JCTL or is that incorporated?

5 A. No, it was an LLC.

6 Q. An LLC. Got you. So I've got four years'
7 worth of employment. What about one more year? Where
8 were you right before JCTL Trucking?

9 A. USA Trucking.

10 Q. And how long were you working at USA Trucking
11 for?

12 A. Roughly two years, I believe.

13 Q. And then same question, what was your job title
14 or role at USA Trucking?

15 A. That was contracting. It was basically 1099
16 work. So we could use their load board, use their DOT
17 number, their MC number. That was just contract work.
18 But, basically, I was an independent contractor with --
19 under their authority. Does that make sense?

20 Q. That makes perfect sense. So you were pretty
21 much paid by the load? In other words, like eat what
22 you kill kind of?

23 A. Yeah. We would have access to their load
24 board, which was their loads, pulling their equipment.
25 Basically, we could route ourselves off of their load

1 board and it's paid per -- paid per -- I guess it would
2 be -- it would show per mile. But that's how the load
3 board read.

4 Q. Got you. And same question, I'm guessing you
5 were not involuntarily terminated from USA Trucking,
6 correct?

7 A. Correct. No.

8 Q. I'm guessing you stopped working at USA
9 Trucking so you can go do what we all strive for,
10 self-employment, right? You went to go start JCTL
11 Trucking?

12 A. Yeah, JCTL.

13 Q. Perfect. Now, did you have to get any special
14 training or sort of technical degree to do any of the
15 jobs that you've ever been employed for?

16 A. Special training? I would say we had to take
17 orientation classes. We had to take defensive driving,
18 which was getting a Smith System certificate. I went to
19 school initially to get my CDL, so I was -- when I first
20 started driving, I had to go to school to get my CDL.

21 Q. Yeah. And I think that's what I was going
22 towards, right, trying to understand what it took for
23 you to be able to do the work that you've been doing.
24 Part of that, like we already know, is to maintain and
25 hold a commercial driver's license. So what you're

1 telling me is you went to school for that, correct?

2 A. Yeah, I went to a community college --

3 Q. Got you.

4 A. -- in Iowa. That's what I was in Iowa doing.

5 Q. Perfect. How many hours a week do you normally
6 work?

7 A. On the trucking industry?

8 Q. Yeah.

9 A. That varies per day.

10 Q. It's got to be consistent -- it's got to be
11 consistent with the Federal Motor Carrier Safety Act,
12 right, at the very least? That's what I tell my
13 truckers.

14 A. Yeah.

15 Q. That's what I tell my truckers.

16 A. Yeah. You're going to do no more than 70 hours
17 without a 48-hour -- a 34-hour reset. So it's just day
18 to day, week to week varied. I mean, depending on the
19 loads and -- yeah, I would say that, no more than 70 in
20 a week.

21 Q. On the week of the incident you're alleging
22 made the basis of this lawsuit, do you remember exactly
23 how many hours you had been working that week?

24 A. I was working -- I was team driving at the
25 time, so we'd get -- team driving, you don't really

1 have -- you have one clock -- two clocks. So I would
2 say that -- we came from Chicago. So that's not a lot
3 of drive time, more than -- I would say that would
4 probably be less than 40.

5 Q. Do you work just weekdays or do you work on the
6 weekends as well?

7 A. At what time? What period of time are you --

8 Q. When you were working as a solo driver for JCTL
9 Trucking.

10 A. That varied. It depended what the load was
11 like. We could work weekends and weekdays. There was
12 not a set schedule for off days. I didn't have a set
13 schedule, no.

14 Q. I'll represent to you that January 3, 2023, the
15 date that you're alleging this incident occurred in your
16 lawsuit, was a Tuesday. Does it sound accurate to say
17 that you had been working and driving over the weekend
18 for that specific job -- for that specific haul?

19 A. Let me see. You know, that's coming up around
20 the time of the holiday, the New Year's, so -- let me
21 see. That would be maybe back in on New Year's and took
22 that time off and got back in the truck. I want to say
23 the 1st -- the night of the 1st got to Chicago, turned
24 around, came back to Dallas on the 3rd, yes.

25 Q. Mr. Hardrick, have you ever been arrested

1 before?

2 A. Yes.

3 Q. How many times total?

4 A. I don't recall. I don't recall.

5 Q. When was the most recent?

6 A. March 2023.

7 Q. And what was the reason for the arrest?

8 A. My daughter came in town and was visiting.

9 Q. I think you might be having some more audio
10 issues.

11 MR. EDEN: Do you guys want to take a short
12 break real quick and get it set straight? I think I'm
13 ready to start jumping into the discovery and facts of
14 the alleged incident.

15 MR. HUBBARD: Yeah.

16 (Break taken from 11:33 to 11:41.)

17 MR. HUBBARD: Hey, Eden, I know we had
18 talked at the beginning. Are we reserving all
19 objections other than object to the form?

20 MR. EDEN: Yeah.

21 MR. HUBBARD: Okay.

22 Q. (BY MR. EDEN) All right. Mr. Hardrick, I
23 think we were talking about your most recent arrest
24 before the audio broke up. And while the audio was
25 breaking up, I heard that the most recent arrest was

1 March 2023. Is that correct?

2 A. Yes.

3 Q. Okay. And what was the reason for the arrest?

4 A. My daughter -- my daughter and I -- she came to
5 visit and we had an altercation.

6 Q. Was it with Asia?

7 A. No.

8 Q. What's the name?

9 A. Aalisha.

10 Q. How do you spell that?

11 A. A-A-L-I-S-H-A.

12 Q. I've got to say the audio is so much better.

13 A. That's good.

14 Q. Yeah. And could you give a brief description
15 of that altercation?

16 A. Just a father/daughter altercation, verbally,
17 and disagreement. The police came out, and they said
18 that coming out to a family dispute -- asked what
19 happened, and I just said, you know, this is my
20 daughter, I'm not going to -- I'm the father, so
21 whatever you have to do. So they said somebody had to
22 go to jail, and I went to jail. I wasn't going to let
23 my daughter go to jail.

24 Q. I'm going to try and share my screen with you
25 and hopefully my audio as well. Just give me a second

1 while my computer loads it up. Are you in pain,
2 Mr. Hardrick?

3 A. Yeah. I'll make it through it. I'll get
4 through it.

5 MR. HUBBARD: If you need to walk around or
6 anything, just let us know.

7 THE WITNESS: Okay.

8 Q. (BY MR. EDEN) Yeah. Yeah, just let me know
9 any time you need a break. We don't even need to take a
10 short one. We can take a longer one for you to be able
11 to get some water, do some stretches, take some
12 medication, anything you need, Mr. Hardrick. Okay, sir?

13 A. Okay. Thank you. I go through this every
14 night, so I'll get through it.

15 Q. I got into a pretty bad car wreck in 2017.
16 These teeth are veneers. The airbag blew out and messed
17 up my teeth, broke all of them, cut myself, bit myself
18 through and through, so I completely understand.

19 A. Okay.

20 Q. I completely understand. 1:55.

21 MR. EDEN: At this time I'd like to mark as
22 Exhibit A to Plaintiff Bobby Hardrick's deposition
23 responses to our subpoena duces tecum produced by
24 Defendants from Dallas Police Department.

25 (Exhibit A marked.)

1 MR. EDEN: Any objections, Counsel?

2 MR. HUBBARD: I'm not sure what it is yet.

3 MR. EDEN: It's our subpoenas to the Dallas
4 Police Department and their responses to it -- our DWQs
5 to the police department.

6 MR. HUBBARD: Yeah. I don't think I ever
7 got a copy. The last time I talked to Ray, they hadn't
8 seen anything, but --

9 MR. EDEN: Oh, really?

10 MR. HUBBARD: I don't think so. It may be
11 the same thing they sent me.

12 MR. EDEN: It does capture the January 3rd
13 incidents, but our subpoena wasn't limited to just the
14 scope of the incident. It was for any and all records.

15 MR. HUBBARD: Yeah.

16 MR. EDEN: And we've gotten records for the
17 March incident that Mr. Hardrick is describing. And if
18 you do have an objection, I can e-mail it to you and I
19 can move on to another area or -- what I normally do is
20 I just go ahead and place my objection just to preserve
21 it but let the questions keep going and then that way
22 any line -- any answers from any lines of questions that
23 are predicated based off of that exhibit, if later on
24 is, like, sound, then are struck, if that makes sense.

25 MR. HUBBARD: Right. Yeah. That's good.

1 MR. EDEN: Good deal.

2 Q. (BY MR. EDEN) Mr. Hardrick, do you see this on
3 your screen? Are you able to -- I know you're on your
4 phone, but are you able to see it on your tablet?

5 A. I see it.

6 Q. Good deal. I'll represent to you that these
7 are what we call in the legal industry subpoenas, pretty
8 much almost the same as what you would see on a TV show
9 like Suits or Law and Order. We go ahead and request
10 documents be produced by a certain entity, maybe a
11 medical provider or a peace officer or a department or
12 something like that, and then they provide us those
13 records supported by affidavit pretty much by penalty of
14 perjury as well as saying, hey, these are true and
15 accurate copies of our records by penalty of perjury and
16 it's kind of notarized by a custodian of record. Do you
17 understand that so far?

18 A. Yes.

19 Q. Good deal. And what I want to do is I want to
20 go to page 156 on the responses. Do you see this on
21 your screen, sir?

22 A. Yeah, I see that.

23 Q. Is that Aalisha?

24 A. Yeah, that's my daughter.

25 Q. Good deal. And is that you on the bottom of

1 the page 135?

2 A. Yes.

3 MR. EDEN: At this time I'd like to mark as
4 Exhibit B to Plaintiff Bobby Hardrick's deposition the
5 911 call log that corresponds with the subpoenaed police
6 records for this domestic violence arrest. Any
7 objections, Counsel?

8 MR. HUBBARD: No.

9 (Exhibit B marked.)

10 Q. (BY MR. EDEN) Now, Mr. Hardrick, I don't
11 expect you to see anything on your screen. Hopefully
12 you're not -- are you seeing -- you're not seeing my
13 outline, are you, my questions for you?

14 MR. HUBBARD: Yes.

15 MR. EDEN: Okay. I'm going to go ahead and
16 minimize that. Thank you, Mr. Hubbard.

17 Q. (BY MR. EDEN) What do you see on your screen
18 right now, Mr. Hardrick?

19 A. I see a building on top of a sculpted --
20 sculpted -- I guess a mountain.

21 Q. Well, then I'm bad at my job because I'm trying
22 to do this. All right. Now what do you see on your
23 screen, sir? Hopefully not my notes.

24 A. I see a cone.

25 Q. Got you. Good deal. This is a VLC media

1 player that you're seeing on your screen. The good
2 thing is there's no video, so I don't need you to see
3 anything. But what I will do is I will cancel this call
4 from Coaction Insurance Company and play the audio from
5 this file. It's a 911 call log and then ask you some
6 questions about it. Is that okay, sir?

7 A. Yes.

8 Q. All right.

9 (Audio played.)

10 Q. (BY MR. EDEN) Are you able to hear this on
11 your screen?

12 (Audio played.)

13 Q. (BY MR. EDEN) Mr. Hardrick, were you able to
14 hear that 911 call from Chellette Corder?

15 A. Yes.

16 Q. Who is Chellette Corder? She describes herself
17 as your girlfriend. Is that your understanding of your
18 relationship with Chellette?

19 A. At the time.

20 Q. I'm sorry, is your answer that at the time on
21 January 3rd -- or on March 5, 2023, she was your
22 girlfriend?

23 A. You could say -- you could say that, yes.

24 Q. Hey, man, I completely understand. If you ask
25 the girl I'm talking to right now, you'll get

1 conflicting stories. I'm going to go back to Exhibit A,
2 okay, Mr. Hardrick? Now, this is Exhibit A, the
3 responses from the City of Dallas Police Department, but
4 I want to bring your attention specifically to Bates
5 page 0129. This is your arrest sheet. Do you see that
6 on your screen?

7 A. Yes.

8 Q. Your arrest sheet, according to this document,
9 was issued on March 5, 2023. Does that sound like the
10 date on which the arrest occurred to you?

11 A. I would -- I guess. I know it was March 2023.

12 Q. Got you. And if we scroll a little bit lower,
13 we get a description of the officer's interview and
14 everything that happened and we've got some photographs
15 and stuff like that. So what I want to do with you,
16 sir, is I want to go to page Bates labeled 130 and read
17 some of these statements made and then ask you some
18 questions following it, okay, sir? Is that okay with
19 you?

20 A. Sure.

21 Q. All right. Now, it says here on March 5, 2023,
22 at approximately 8:00 a.m., complainant Aalisha Rochelle
23 Cherese Hardrick went to arrested person Bobby Lee
24 Hardrick, Jr., room to get her leggings. Did I read
25 that correctly?

1 A. That's what I read.

2 Q. And to the best of your recollection, on
3 March 5, 2023, especially as it relates to the morning
4 of March 5th, does that sound accurate? Was she trying
5 to retrieve her leggings?

6 A. She didn't have anything in my room. Her
7 suitcase was not in my room.

8 Q. After that it says, Arrested person Bobby Lee
9 Hardrick, Jr., told complainant Aalisha Rochelle Cherese
10 Hardrick that they had to go to Oklahoma by 3:00 p.m.
11 Did I read that correctly?

12 A. Yes.

13 Q. And is that accurate? Did you tell your
14 daughter Aalisha that you had to be at Oklahoma by
15 3:00 p.m.?

16 A. Yes.

17 Q. And why did you need to be at Oklahoma by
18 3:00 p.m.? Was it for work?

19 A. No, family.

20 Q. Family. Was it for your father?

21 A. I don't recall at the time. I was back and
22 forth at that time. I believe he was still at the
23 house. I don't recall.

24 Q. Complainant Aalisha Rochelle Cherese Hardrick
25 advised arrested person Bobby Lee Hardrick that she had

1 to work and could go after 5:00 p.m. Arrested person
2 Bobby Lee Hardrick, Jr., then extended his forearm into
3 complainant Aalisha Rochelle Cherese Hardrick's chest to
4 prevent complainant Aalisha Rochelle Cherese Hardrick
5 from going in his bedroom and stated we're not finna to
6 do that. Did I read that correctly, Mr. Hardrick?

7 A. That's what it reads.

8 Q. And is that accurate or do you dispute the
9 accuracy of that police officer's record?

10 A. I -- I dispute.

11 Q. Got you. So it's your testimony that you did
12 not extend your forearm into Aalisha's chest to prevent
13 her from going into your bedroom?

14 A. Yes.

15 Q. Got you. It then reads, Complainant Aalisha
16 Rochelle Cherese Hardrick told AP Bobby Lee Hardrick,
17 Jr., not to put his hands on her and continued into
18 arrested person Bobby Lee Hardrick, Jr.'s room.
19 Arrested person Bobby Lee Hardrick, Jr., then proceeded
20 to take witness Asia Danielle Hardrick's vehicle keys
21 from the kitchen counter. Did I read that correctly?

22 A. Yes.

23 Q. And --

24 A. But not -- the latter part of that statement is
25 correct.

1 Q. Got you. And when you say correct, it's not
2 like I've got poor reading comprehension skills. What
3 you're telling me is the latter part of that is
4 factually correct, right?

5 A. With the keys, yes.

6 Q. Yeah. Got you. And the reason why I've got to
7 ask these questions is because there's certain
8 evidentiary or legal hurdles that attorneys like myself
9 and Mr. Hubbard have to go over. So sometimes it feels
10 like, hey, man, say less, we are on the same page. You
11 know what I'm saying? But whenever it comes to whether
12 something is correct or not in this instance, what
13 you're telling me is the distinction is it's -- the
14 second half is factually correct, but it's not like I
15 goofed on reading it, right?

16 A. No, you read it exactly how it reads.

17 Q. You would be surprised. I've been caught on
18 the record misreading on accident, I promise you. It's
19 nonfeasance, not malfeasance.

20 A. Right.

21 Q. Then it goes on to read, Arrested person Bobby
22 Lee Hardrick was walking towards his bedroom while
23 complainant Aalisha Rochelle Cherese Hardrick was
24 exiting the bedroom with the car keys. As complainant
25 Aalisha Rochelle Cherese Hardrick went to grab the keys

1 from arrested person Bobby Lee Hardrick, arrested person
2 Bobby Lee Hardrick, Jr., grabbed complainant Aalisha
3 Rochelle Cherese Hardrick by her right arm. Did I read
4 that correctly, sir?

5 A. That's what it reads.

6 Q. And is that accurate?

7 A. I -- I'm not saying it's accurate. I
8 disapprove of this whole complaint.

9 Q. Okay. And we'll go through it and then once
10 we're finishing reading it and trying to figure out what
11 parts are accurate or not, I would really like to kind
12 of unpack what you would dispute about it. Is that
13 okay, sir?

14 A. The whole complaint. As I said, if you read
15 this whole complaint, it's what she said. What they
16 asked me -- that's my daughter, so I don't have anything
17 to say. So if you have to arrest me, arrest me. I'm
18 not about to send my daughter to jail. That's besides
19 this right here.

20 Q. I see. I see.

21 A. So everything that you're seeing here, I
22 disagree with.

23 Q. Got you. Got you. And because of that, I
24 don't have to go through the whole thing anymore. I
25 think I'm getting an understanding. You're telling me

1 the whole thing, because it's only her side of the
2 story, is inaccurate because they didn't get your side.
3 Is that what my -- is that what you're telling me?

4 A. Yes. Yes. I would not give a statement on my
5 daughter. So yes.

6 Q. Perfect. I want to read a couple of last
7 parts, though. Okay? Right here where it reads,
8 Arrested person Bobby Lee Hardrick used the complainant
9 Aalisha Rochelle Cherese Hardrick's right arm to wrap
10 around her own throat and pulled back, impeding
11 complainant Aalisha Rochelle Cherese Hardrick's breath
12 for approximately three to five seconds with a grip of
13 eight out of ten. Did I read that correctly?

14 A. That's what it reads.

15 Q. And you're disputing that ever occurred, right?

16 A. Yes.

17 Q. Okay. And then it goes on to read, Arrested
18 person Bobby Lee Hardrick, Jr., also had complainant
19 Aalisha Rochelle Cherese Hardrick left arm pinned
20 against her body, restricting her body. Are you
21 disputing that in the statement as well?

22 A. Re-read that.

23 Q. Yes, sir. Arrested person Bobby Lee Hardrick,
24 Jr., also had complainant Aalisha Rochelle Cherese
25 Hardrick left arm pinned against her body, restricting

1 her body.

2 A. So coming -- she was -- she was thrusting
3 forward. She was the aggressor, so I did have to defend
4 myself a couple of times in this incident. Not -- not
5 hitting, not choking. I'm saying basically defending --
6 like, how would you say it? Just not letting her attack
7 me. So I was trying to keep it -- just her off of me,
8 as well as my daughter Asia. So I can say you read it
9 right. I'm telling you the same thing I told the
10 police. I didn't have anything to say. It's my
11 daughter. What father is going to send their daughter
12 to jail?

13 Q. Yeah, I completely understand. Then it goes on
14 to read, Complainant Aalisha Rochelle Cherese Hardrick
15 dropped down to the floor while arrested person Bobby
16 Lee Hardrick, Jr., continued to maintain his hold around
17 the neck of complainant Aalisha Rochelle Hardrick --
18 Cherese Hardrick. I can tell you right now I did not
19 read that correctly because I missed the Cherese part.
20 But my question is, you're disputing that as well,
21 right? I've got to go the infractions one by one. I
22 think I got one last left. But as it relates to this
23 specific fact that she's alleging, not the fact that
24 actually occurred that has been concluded or anything,
25 but what she's alleging in this statement from the

1 officer, your position is that that is not true, right?

2 A. Absolutely.

3 Q. Then it goes on to say, Complainant Aalisha
4 Rochelle Cherese Hardrick was able to punch arrested
5 person Bobby Lee Hardrick, Jr., and witness Asia
6 Danielle Hardrick intervened. Is that true? Did she
7 punch you?

8 A. Constantly, but that -- that -- that -- that --
9 that -- I don't -- I didn't give this then and I say it
10 now, I don't have -- I don't have anything to say
11 against my daughter. I mean, that's -- that's what I
12 gave and this is all what she said or what they said. I
13 don't know. But I didn't have any say-so -- response.
14 I just -- they had to do whatever they had to do.
15 That's what this is to me. Meaning the arresting
16 officers.

17 Q. So the arresting officers on Bates label
18 page 131 state that they observed complainant Aalisha
19 Rochelle Cherese Hardrick to have a small knot on the
20 right side of her head, scratches on the left side of
21 her neck, cut and bruise on the left side of elbow and a
22 red mark on their right shoulder blade. Did I read that
23 correctly?

24 A. That's what it reads.

25 Q. And did she -- I mean, we have the photographs,

1 so we know she did. But did she actually have those
2 injuries that were objective and visible? Did she have
3 a small knot and the scratches and the cut on her -- and
4 the bruise?

5 A. What I have to say is I barricaded myself in my
6 room. My daughter Asia stood in front of my door.
7 Aalisha was outside going berserk trying to get around
8 Asia to get in my room. I was on Facetime in my room,
9 so I have witnesses to all this. I was on Facetime
10 trying -- I made the call to Chellette to tell her to
11 call the police. That's why she called the police.

12 Q. You told Chellette to call the police?

13 A. Exactly. That's how she knew to call the
14 police, that this was going on.

15 Q. So from my understanding, you weren't the
16 aggressor. According to your testimony, it was Aalisha
17 who was escalating the situation. But because you're
18 her father, you didn't want to make any statements that
19 would have led to potentially her arrest, correct?

20 A. That's what I said to the public defender's
21 office, as well as a video of Aalisha admitting she was
22 the aggressor and going through a time in her life where
23 she needed to seek God because she was being too angry
24 and aggressive towards people she's encountering. So
25 that -- I sent the facts, and it was a no file.

1 Q. Does she have a history or pattern of being
2 aggressive like this?

3 A. I'm not for sure about her arrest history, but
4 being angry, yes. Aggressive? She's had aggressive
5 moments with her mother and her siblings.

6 Q. Any other moments where police had to be called
7 or anything like that for Aalisha?

8 A. No. Aalisha was visiting from Atlanta. She
9 wasn't -- she had just -- I want to say maybe had only
10 been in town two days, and I was on the road. I think I
11 might have got back in town maybe a day before that. I
12 wasn't -- I was on the road when Aalisha made it to
13 Dallas from Atlanta.

14 Q. Did this arrest conclude with a conviction?

15 A. It was a no file. They didn't press charges.

16 Q. Got you.

17 A. The DA's office. But I did -- I didn't find it
18 was a no file until nine months later. I was checking
19 in to the bond -- the bail bondsman's office for nine
20 months and it was a no file. So I didn't ever do the --
21 they told me they would let me know. So I checked in
22 with the bondsman weekly for nine months, and then I had
23 to call the DA -- the public defender's office to find
24 out it was a no file. They said they didn't file it.
25 So I literally was just calling in and checking in for

1 nine months not knowing it was a no file.

2 Q. Any other arrests? What's --

3 A. Yes.

4 Q. -- the most -- okay. What's another one?

5 A. I don't have it offhand. I don't have it
6 offhand.

7 Q. That's okay.

8 A. Yeah.

9 Q. Now, if we were to take Asia's deposition,
10 would she corroborate your testimony? Would she say
11 something similar, that she saw and noticed that you
12 were trying to barricade yourself in your room?

13 A. Yes. Yeah, she would state that I was on one
14 side of the door and she was in the middle of the door
15 and Aalisha was behind her. At times Aalisha was
16 jumping on my bed. I would say she would say what she
17 saw. That's what I know.

18 Q. Was she with you --

19 A. I can't really say. Excuse me.

20 Q. Was she with you-all during the entire
21 incident? Like, would she be able to say, yeah, he
22 never grabbed Aalisha's throat or arm or anything like
23 that? Was she there for the entire incident?

24 A. She was -- she was in between us.

25 Q. Okay.

1 A. You heard Chellette mention that she was
2 trying -- that Asia was trying to intervene, but she was
3 on -- you know, she just had knee surgery, so she was on
4 crutches. I mean, I'm not going to attack my daughter.
5 I'm not that. But I'm not going to let my daughter just
6 beat me down either. I'm going to resist her from
7 beating me down. I'm not going to attack my daughter.
8 So I believe other people saw the -- who was the
9 aggressor in this situation as well. But being in the
10 state of Texas, if they come out to a domestic violence,
11 someone has to go to jail. That's a law in Texas.
12 You're familiar with that. You're in Texas. So I was
13 not going to allow my daughter to go to jail. Am I
14 still connected?

15 Q. Yeah, you're good.

16 A. Oh, okay.

17 Q. I was just taking notes. Currently, the only
18 arrest you do remember is that March 3, 2023 arrest,
19 correct?

20 A. I don't -- I don't recall.

21 Q. That's okay.

22 A. I don't want to say anything that is not -- you
23 know, it's under oath. I don't --

24 Q. No, that's absolutely right. That's exactly
25 what we tell our clients, right? I don't want you

1 guessing. Have you ever been convicted of a crime
2 before?

3 A. Convicted of a crime?

4 Q. Yeah. It's usually whenever that whole process
5 is already done, right? And so the arrest happens, they
6 press charges, you get an indictment, and then either by
7 way of a trial or by some sort of conclusion --

8 A. No, I've never --

9 Q. -- someone says guilty or something like that?

10 A. I've never been in trial or nothing like that,
11 no.

12 Q. Any convictions whatsoever that you've been
13 found guilty for? It doesn't have to be by way of a
14 trial.

15 A. I don't -- I don't recall. I don't believe
16 I've been convicted.

17 Q. Got you. And I know it sounds like I'm asking
18 the same question, but I promise you there are little
19 legal nuance differences between each one. Now, when
20 you were arrested, did that lead to your incarceration
21 or were you not incarcerated?

22 A. I mean, a couple -- a couple of days.

23 Q. Got you. Any other time you may have been
24 incarcerated, sir?

25 A. Well, hold on. Now, I was incarcerated in

1 Illinois. I spent -- I did do 90 days in Illinois.

2 Q. And what was the reason for your incarceration
3 in Illinois?

4 A. I want to say that was resisting arrest.

5 Q. And how were you resisting arrest?

6 A. Ran.

7 Q. Can you give a brief description about the
8 incident that you're describing?

9 A. Just ran from the police. They randomly pull
10 people over -- running up on people walking. I didn't
11 have anything to say to them, and they don't take that
12 well. So they kind of force you into talking to them.

13 Q. Have you sued anybody before besides the
14 lawsuit that we're here to discuss today?

15 A. Have I sued anybody?

16 Q. Yes, sir.

17 A. I don't believe I've sued anyone. Like
18 going -- filing a complaint with the court and suing
19 them?

20 Q. The same thing that you're doing here, right,
21 with a lawsuit, yeah.

22 A. No. Actually, yes, I have. With this incident
23 that we speak of, the officers ended up fracturing my
24 wrist, scratching my cornea and a few other things. So
25 yeah, I did, yes.

1 Q. Was that in Illinois?

2 A. That was in Illinois, yes.

3 Q. And what -- I mean, I just -- I'm trying to
4 wrap my opinion head around this. When did this happen
5 when they were accusing you of resisting arrest?

6 A. What do you mean when? When I ran, they chased
7 me and five -- four or five officers jumped on my back
8 and you know the rest.

9 Q. My question was when, sir. So when I say when,
10 I mean technically speaking on a calendar. Is it on a
11 specific year or stuff like that?

12 A. I would say 2005.

13 Q. Have you made any injury claims before other
14 than the two workers' compensation claims from
15 August 24, 2024 and September 24, 2024?

16 A. Workers' compensation claims? What are you --
17 I haven't received any money for anything on any claims.

18 Q. I'm sorry, sir, I don't think I asked a good
19 enough of a question. That's a failure on my part. My
20 question was, have you made any injury claims before,
21 other than those two August 24th and September 24th
22 claims?

23 A. And the 2005 claim?

24 Q. Any claims at all.

25 A. I just spoke of the 2005 claim.

1 Q. I understand. That's the reason why I'm asking
2 the question is to make sure that I didn't miss any
3 other injury claims other than the ones that we've
4 discussed. Does that make sense?

5 A. Yeah, that makes sense. I don't -- I don't
6 recall making any.

7 Q. So the only injury claims you remember making
8 is the 2005 claim, the August 2024 claim and the
9 September 2024 claim; true or untrue?

10 A. Untrue. I had a claim in 20 -- 2014. I got --
11 I was -- when I first moved to Arlington, I got injured
12 working at -- who was that -- Cardinal Logistics. So I
13 had to -- I wasn't able to perform my job. They had
14 light duty. I had to go sit in the office for eight
15 hours a day until I got better and I went back to work.

16 Q. And when was that? What year?

17 A. 2014.

18 Q. Good deal. And what did you injure?

19 A. I want to say my ankle or leg. I was unloading
20 from a dock and they had left a pallet on the dock. It
21 was in Houston, as a matter of fact. And as I was
22 unloading -- I was delivering Beauty Rest mattresses at
23 the time, and we had to pull off the mattresses on our
24 deliveries. They had left a pallet on the dock, and I
25 was backing up off the trailer and pulling the mattress

1 off and slipped over the pallet. That would be it. I
2 went to the CareNow over there in Houston. They had to
3 send a driver over there to get the truck and drive me
4 back to Dallas. I sat off -- actually, I wasn't -- I
5 wasn't off that long. But that would be it, I believe.

6 Q. Were you ever in the military?

7 A. No.

8 Q. And any other diseases other than your diabetes
9 medical condition and your hypertension?

10 A. Hypertension, PTSD, anxiety, depression. Is
11 that what you're asking?

12 Q. I'm asking if you had any disease process,
13 ailments and stuff like that before January 3rd.

14 A. Type II. I was -- I was diagnosed with
15 Type II -- I want to say 2013, two years after I started
16 driving trucks, I believe.

17 Q. So Type II diabetes. What about the
18 hypertension?

19 A. Hypertension, that disease came after. I was
20 on hypertension medication due to the diabetes to kind
21 of -- I guess they give out that medication to keep the
22 kidneys from overworking.

23 Q. What year did you learn that you had
24 hypertension?

25 A. I don't recall that year.

1 Q. Was it before or after January 3, 2023?

2 A. It was before.

3 Q. Anything else? Any other disease process other
4 than diabetes and hypertension before January 3, 2023?

5 A. Not that I recall.

6 Q. Okay.

7 A. If I'm understanding you, like have something
8 like cancer or lymphoma or leukemia or something like
9 that? Is that what you're asking?

10 Q. Yeah, exactly, like a medical condition.

11 A. Okay. A medical condition, yeah. No, just
12 hypertension and Type II.

13 Q. Got you. Did you participate in athletics
14 outside of school before the incident occurred -- the
15 alleged incident occurred?

16 A. You're talking -- that's a wide range of years.
17 Which one are you talking?

18 Q. I just want to -- I just want to know --

19 A. 1990 or --

20 Q. I just want to know if you were playing pickup
21 basketball before January 3, 2023?

22 A. I haven't picked up a ball in so long.

23 Q. So it's safe to say no athletics outside of
24 school before January 3, 2023?

25 A. I might have. I don't -- I wouldn't say -- I

1 would have to say that --

2 Q. It's not like you're out here like my
3 girlfriend going to play pickleball --

4 A. No. No.

5 Q. -- a standing appointment --

6 A. No, no, no.

7 Q. -- or anything like that?

8 A. Yeah. Yeah. Nothing like that, no.

9 Q. Got you. Any history of any knife or sharp
10 object wounds before January 3, 2023?

11 A. I don't recall.

12 Q. Have you been in any fights before January 3,
13 2023 that were physical?

14 A. No.

15 Q. When did you last see a doctor before
16 January 3, 2023?

17 A. I don't recall. I would say -- I would say
18 follow-up appointment.

19 Q. I'm guessing when you told me earlier that you
20 went regularly to your primary care physician --

21 A. Yeah. Yeah.

22 Q. -- what you would do is just regular check-ups?

23 A. Yeah, check-up, blood work, just to make sure
24 everything is functioning and nothing has, you know,
25 changed and just regular -- regular check-ups.

1 Q. Do you have any medical devices implanted?

2 A. No.

3 Q. Okay. Have you ever spent a night in the
4 hospital before January 3, 2023?

5 A. No, I've never had an overnight stay in the
6 hospital.

7 Q. Have you ever broken a bone before January 3,
8 2023?

9 A. I don't remember breaking -- well, I think I
10 might have broke my arm in third grade --

11 Q. Yeah.

12 A. -- trying to do a trick in a swing or
13 something. I'm not for sure. As a teenager and adult,
14 no.

15 Q. All right. So let's go ahead and talk about
16 the alleged incident from January 3, 2023. Is that all
17 right?

18 A. Yes. I'm going to need to plug up my device
19 here for a second.

20 Q. No problem.

21 A. All right. Okay.

22 Q. Are you ready to continue, sir?

23 A. I am.

24 Q. Good deal. Do you remember what time the
25 alleged incident occurred on January 3, 2023?

1 A. I want to say I got to the apartments around
2 6:30 maybe.

3 Q. And that's because you had arrived to Texas
4 that evening from a trip to Illinois?

5 A. I had just got into town from Illinois right
6 before I went -- I parked the truck, jumped in the car
7 and came to the apartments.

8 Q. What car were you driving --

9 A. A Genesis G80.

10 Q. -- when you came to Texas from Illinois?

11 A. I was driving -- are you talking about once I
12 parked the semi?

13 Q. So you drove the semi from Illinois to Texas?

14 A. Yeah. I had a delivery. I had to go from
15 Texas -- right after the holiday, we had a load going to
16 Chicago. We went and delivered that. And it was right
17 after the holiday, so finding a load coming back was
18 difficult. So we just bobtailed back from Chicago to
19 Texas. I had literally just got back in town.

20 Q. And where did you park the semi when you
21 arrived to Texas?

22 A. The semi is parked over there where -- we had a
23 little shopping center where they had a little area for
24 us to park our -- they had box trucks over there, semis,
25 bobtails. It was probably around the -- within a

1 six-mile radius of the apartments.

2 Q. Got you. And when you parked your car at this
3 shopping center six miles away from the Berkshire
4 Medical District Apartments, what vehicle did you drive
5 when you drove from that shopping center to go to the
6 Berkshire Medical District Apartments?

7 A. That would be the Genesis G80.

8 Q. Did you have any passengers with you in that
9 Genesis G80 when you traveled back to the Berkshire
10 Medical District Apartments?

11 A. No. I was solo.

12 Q. What time did you arrive at the Berkshire
13 Medical District Apartments?

14 A. That's what I was saying, around -- I want to
15 around 6:30 maybe, around that time, 6:30, 7:00, around
16 that time.

17 Q. And when you arrived to the parking area of the
18 Berkshire Medical District Apartments, did you then
19 notice the alleged shooter?

20 A. Can I -- can I walk you through what -- how I
21 got in the gate and onto the property?

22 Q. I think I'd like an answer to my question
23 first.

24 A. So as soon -- you're talking about as soon as I
25 got into -- onto the property. When I parked, I noticed

1 the shooter standing in front of me on the sidewalk in
2 front of the front gate of the apartment.

3 Q. Got you. And then when you parked the Genesis
4 G80, where was it parked -- situated in the parking lot
5 of Berkshire Medical District Apartments?

6 A. Outside the mail housing pavilion, middle --
7 middle row section -- or middle row, you can go straight
8 out the gate or in the gate midway between the front
9 gate and the buildings behind the -- that driveway.

10 Q. Is that what -- is that what that area
11 designated is called? Is it called the mail house
12 pavilion?

13 A. I don't know. I just call it the mail house
14 pavilion. It's the mail house. It would be mailboxes,
15 but it has a pavilion over -- a covering over it, so it
16 just -- the mailboxes. Do you want me to show it to
17 you?

18 Q. That's okay. For the purposes of this
19 deposition, is it fair if we use the term mail house
20 pavilion that we're describing the area in which tenants
21 go and get their mail from? For the purposes of our
22 deposition I mean, not as in like formally or anything.
23 Are you still there, Mr. Hardrick?

24 A. Yeah. Are you asking me that or --

25 Q. Yeah, I'm asking you that, sir. Is it fair --

1 is that okay in this deposition whenever we use the term
2 mail house pavilion, that we have a mutual understanding
3 that we're describing the area in which the mailboxes
4 are for the tenants to go and retrieve their mail?

5 A. Yeah, that's fine.

6 Q. Good deal. Now, how far is it from this mail
7 house pavilion to the gate -- the front gate of the
8 parking complex?

9 A. I would say maybe midway.

10 Q. Let me ask you a different question. Are you
11 able to see the front gate from the mail house pavilion
12 or is it obstructed or too far?

13 A. No, it's -- I would say less than 50 yards --
14 50 feet -- 50 yards, maybe. Yeah, about 50 yards, I
15 would say. It's right in front of you if you go
16 straight out. You would -- you drive straight out from
17 the mail house pavilion roadway.

18 Q. So then you first noticed the alleged shooter
19 at the entrance of the gate and then you parked the
20 vehicle, that Genesis G80, next to the mail house
21 pavilion. Did the alleged shooter move from that gate
22 area to the mail house pavilion area?

23 A. No, stood there.

24 Q. He just stood there?

25 A. Stood there looking. I left the car running.

1 And when I got out, I went and got the mail and came
2 back to the running car. He was still standing there.

3 Q. Now, after he shot at you, did you call the
4 police or did someone else call the police?

5 A. My daughter called the police, Asia.

6 Q. Did you have an opportunity to speak with the
7 police over the phone before they arrived at the scene?

8 A. I don't believe I did. Asia was on the phone.
9 When I went -- got away, ran upstairs, beating on the
10 door and told Asia to call the police, someone just
11 tried to kill me. She got her phone and called the 911
12 and opened the door, and I ran in the house. She said I
13 know. She said she know. She knows because she had ran
14 out on the balcony.

15 Q. Now, sir, you had an opportunity to speak with
16 the police when they arrived at the scene, correct?

17 A. Correct.

18 MR. EDEN: At this time I'd like to mark as
19 Exhibit C to plaintiff Bobby Hardrick's deposition body
20 cam footage of Officer Eric Urquiza produced by
21 plaintiff's counsel on September 23, 2024.

22 (Exhibit C marked.)

23 Q. (BY MR. EDEN) Here's hoping I don't share my
24 notes again. Do you see this on your screen, sir?

25 A. I can't even see that. No, the tablet is over

1 there. I'm just talking audibly if that's okay.

2 Q. Let's --

3 A. Do I need to look at the screen?

4 Q. You will be needing to look at the screen, but
5 let's wait for a moment.

6 A. Okay.

7 Q. I need to discuss within counsel --

8 MR. EDEN: Sir -- Mr. Hubbard, any
9 objections with this being marked as Exhibit C? It's
10 something that you folks produced in discovery in
11 September.

12 MR. HUBBARD: No objection to it being used
13 today.

14 MR. EDEN: Thank you, Counsel.

15 Q. (BY MR. EDEN) Mr. Hardrick, is it okay if you
16 use the tablet? I'm going to play --

17 A. Yeah. I'm --

18 Q. -- some portions of the video? Sir, remember
19 at the beginning of this deposition, we kind of went
20 over the ground rules? One of the rules is allowing me
21 to finish my question before you start answering and
22 then me extending that same courtesy. Is that okay if
23 we maintain that?

24 A. Yes.

25 Q. Okay. And I'm not fussing. I do the same

1 thing. I've actually done the same thing during our
2 deposition here with you here today. Trust me when I
3 say I'm not fussing, I promise.

4 (Video played.)

5 Q. (BY MR. EDEN) Now, I'm going to back to that
6 eight-minute mark that we started the video on and
7 replay it. But were you able to see movement on your
8 screen, Mr. Hardrick, and hear audio?

9 A. Yes. Yes.

10 Q. Good deal. Good deal. So right back to that
11 eight-minute mark.

12 (Video played.)

13 Q. (BY MR. EDEN) Is that you, Mr. Hardrick?

14 A. Yeah, that's me.

15 Q. Okay. Good deal.

16 (Video played.)

17 Q. (BY MR. EDEN) Mr. Hardrick, were you able to
18 hear the full audio?

19 A. Yes.

20 Q. Are you okay, sir? Do you need to take a
21 break? I understand this is sensitive and stuff like
22 that, so I'm completely comfortable if you do need to
23 take a break and drink some water, catch your breath or
24 something like that. We can take a short break.

25 A. No, let's keep -- let's go ahead and move

1 forward, please.

2 Q. Okay. Do you remember giving statements to the
3 police officer?

4 A. Yes.

5 Q. And were you being truthful to the best of your
6 ability when you were providing those statements to the
7 peace officers investigating the incident?

8 A. My statement is the same as you see on the
9 videotapes.

10 MR. EDEN: Objection as nonresponsive.

11 Q. (BY MR. EDEN) Sir, I understand that and I'm
12 completely comfortable with knowing that it's consistent
13 on January 3rd as it is today. My question was a little
14 bit different than that. I'm not trying to ask you a
15 question about inconsistencies. I'm just asking you if
16 you were being truthful to the officer to the best of
17 your ability?

18 A. I replayed audibly what I went through.

19 Q. Got you.

20 A. My confession to the officer.

21 Q. Perfect. And from our understanding, you had
22 moved the vehicles. You took your vehicle out, opened
23 the garage and began moving stuff out of that garage to
24 make space to put the Genesis G80 in the garage?

25 A. So let me make a correction. I moved my

1 daughter's vehicle out of the garage. I was out of
2 town. When I'm in town, I park in the garage. She
3 parks in the parking lot. So she didn't know I was
4 coming back in town, so she had her car in the garage.
5 I had to move her car out of the garage to put the
6 Genesis in the garage. And I pulled her car out over
7 there where I -- where I said that's her car, left it
8 there running. And then what you're saying, as far as
9 getting my belongings out of the Genesis to back into
10 the garage is exactly how that happened.

11 Q. Got you. And what is the make and model of
12 your daughter's vehicle?

13 A. That was a Jeep Cherokee -- no, a Compass, a
14 Jeep Compass.

15 Q. Got you. And --

16 A. Both cars running.

17 Q. Whose car is the Genesis G80?

18 A. That was in Chellette's name.

19 Q. Got it. So you were taking out the Jeep
20 Compass from the garage in order to put the Genesis G80
21 in the garage, but in between that, you were moving
22 stuff out of the garage to make space for the G80?

23 A. No. I emptied my trunk out --

24 Q. Got you.

25 A. -- what you see on the curb right there --

1 Q. Got you.

2 A. -- in front of my garage. My traveling bag I
3 came from being out of town.

4 Q. That makes sense. I understand. I'm going to
5 continue the video if that's okay, sir.

6 (Video played.)

7 Q. (BY MR. EDEN) Mr. Hardrick, were you able to
8 hear that audio?

9 A. Yes.

10 Q. Good deal. And you're being truthful here,
11 right? Is that accurate? He was standing roughly
12 around where kind of that tree is located right in front
13 of you and aimed a firearm at you, right?

14 A. Exactly what the video reads.

15 Q. And he fired four shots?

16 A. Four shots, two, and as I was running off, two
17 more. I was like, is he shooting at me?

18 Q. I'm guessing this is just out of the ordinary
19 for you, right? I mean, I can completely understand the
20 shock. It's not like you have folks shooting at you on
21 a regular basis so then you kind of have a good grip of
22 what's going on and you're like, that cannot be a gun
23 right now, can it, and then you kind of process it a
24 little bit, right?

25 A. You see the spark. That's what made me turn

1 around. I'm like -- on the second one, I did a U-turn
2 because I'm like -- had to sit there and was like, is
3 this dude -- why would I walk up on somebody that is
4 going to shoot at me?

5 Q. Got you. Okay. So I completely agree with
6 you. I completely agree with you. So he shoots two
7 shots. You process this guy is shooting at me, and then
8 you turn around to run away and he shoots another two at
9 you?

10 A. Yeah. Yeah, two more times. You said just
11 answer -- give the answer. Yes.

12 Q. That's what lawyers do. They ask leading
13 questions. You don't ask a question you don't already
14 know the answer to, right? Okay. So he shoots two
15 shots. Where are you running to? I mean, are you
16 running left, right, down that hall, up the stairs?
17 Where are you running to?

18 A. First of all, you're running away from the --
19 you don't want to die. So I don't want to run where
20 I -- where he watched me get the keys from my daughter
21 above the balcony. I don't want to run in the direction
22 the tow truck came from, and that's a wide open parking
23 lot. So as I was going to do in the beginning, when I
24 moved my daughter's car, I was going to go in the
25 aisleway and go upstairs and go home. So if I can make

1 it home and I pray I make it home and don't get shot and
2 killed right here, I was running home.

3 Q. Where --

4 A. Excuse me?

5 Q. I was going to ask, where did you live? Are
6 you on the second floor or on the first floor?

7 A. I'm on the third floor, and that's what baffled
8 me. I was running up them stairs praying this guy does
9 not shoot me in my back. I was going up the stairs
10 thinking I'm about to die, thinking in the back of my
11 head. But he turned around and ran.

12 Q. So he shoots roughly --

13 A. So I thank God.

14 Q. Yeah, I agree with you. So he shoots roughly
15 four shots -- approximately four shots, two shots while
16 you're facing him and kind processing the situation, and
17 then what you're telling me is your natural instinct is
18 I've got to get home, I've got to get out of here, I
19 don't want to be in the open field where I can get shot.
20 You immediately turn around and run in the opposite
21 direction to go up to the third floor to your apartment
22 and then he's still -- he's still shooting at you two
23 more shots while you're running away?

24 A. Did you see the video?

25 Q. Yeah, but I -- I did. I did see the video.

1 A. The video is not going to lie. I processed
2 getting shot at twice. If you look at it, I almost did
3 a U-turn. You know how you do a U-turn in the car
4 because you're going the wrong way but meant to go the
5 other way?

6 Q. Yes, sir.

7 A. So I almost did a U-turn. And then I started
8 running and then you see him shoot two more times, and
9 he turns around and runs after the tow truck.

10 Q. He shoots you two more times when you turn your
11 back to him? He shoots you two more times when you turn
12 your back to him?

13 A. You see it.

14 Q. I just need an answer to my question, sir.

15 A. He shoots four times total. He shot twice. As
16 I turned around, he shot two more times and then he took
17 off running.

18 Q. Got you. Now I'm going to play some more of
19 this video.

20 A. Okay.

21 (Video played.)

22 Q. (BY MR. EDEN) Mr. Hardrick, do you see that
23 Jeep right underneath the police tape?

24 A. Yes.

25 Q. Is that that Jeep -- what did you call it -- a

1 Jeep Compass --

2 A. Compass.

3 Q. -- that belongs to your daughter?

4 A. Yes.

5 Q. Okay.

6 (Video played.)

7 A. Hello?

8 Q. (BY MR. EDEN) Sorry about that. It just lost
9 the signal -- I mean, lost the screen. I'm about to
10 pull it right back up. Same exhibit but at the 11:38
11 minute mark.

12 (Video played.)

13 Q. (BY MR. EDEN) Mr. Hardrick, that stuff that
14 you guys are discussing at 11:54 and forward, is that
15 the stuff that you were taking out of the trunk of your
16 Genesis G80 that you were telling me about earlier?

17 A. Yes.

18 Q. Good deal. And that stuff includes, you know,
19 your typical travel bag and everything you needed for
20 your trip when you were on that haul in Illinois,
21 correct?

22 A. Well, that stuff in that bag is roughly -- I
23 had just, before Illinois, came back in town from
24 California.

25 Q. What were you doing in California?

1 A. Making a delivery.

2 Q. Got you. How long were you in California for?
3 Just for that delivery period?

4 A. California? We had to drive from California --
5 I mean, to California, deliver, find a load, come back,
6 delivered a load, got a load to go to Illinois. So I
7 was -- I wasn't even home. We came home Christmas, came
8 home New Year's Eve. The rest of the time I was on the
9 road from December and coming back into January 3rd,
10 over the road, like across country type driving.

11 Q. I understand. I understand. And then how long
12 were you in Illinois for for this haul? Same situation,
13 just for, you know, dropping it off and then coming back
14 to Houston?

15 A. To Dallas.

16 Q. To Dallas. I am so very sorry. I apologize.

17 A. So -- so we didn't -- it was -- you know, the
18 load board during the time of the holidays kind of gets
19 low and picks up after the holidays. So there were no
20 loads. So we just went up there, dropped the load, got
21 on the load board, sat around, couldn't find a load and
22 then decided there's no loads. We just bobtailed back
23 from Illinois to Dallas. And yeah, it's a turnaround if
24 you want to call that. You can't just do a turnaround
25 going out to California. You have to drive.

1 Q. Yeah, I think so, right. I think that's from
2 my experience with my truckers too. You can't just do a
3 turnaround. I completely understand. I'm going to keep
4 playing the video if that's okay?

5 (Video played.)

6 A. All right.

7 Q. (BY MR. EDEN) Now, that's consistent. I mean,
8 you're pretty much saying in this video exactly what
9 you're telling me in this deposition, Mr. Hardrick. So
10 after you ran upstairs and he was shooting those other
11 two rounds, what did you do next? Did you enter your
12 apartment or were you kind of like stuck outside?

13 A. No. So -- okay. Now, I heard something. You
14 said he shot two more rounds as I was going up the
15 stairs. No, as I was -- he shot four rounds from me
16 being in the middle of the street doing that U-turn to
17 running towards the hallway -- the aisleway.

18 Q. Got you.

19 A. So the four shots were shot before I entered
20 the hall.

21 Q. Got you.

22 A. And then I started scrambling up the stairs as
23 my pants fell halfway down to my knees. So I was
24 scrambling to get up the stairs. So I scrambled up
25 three flights of stairs and running down the hallway.

1 Halfway down the hallway is where we live, 4307, with my
2 pants still hanging down and trying to hold them up and
3 just was in shock and, again, frightened, scared and got
4 to the door, beat on the door. My daughter came from
5 the balcony, and I told her somebody just tried to kill
6 me downstairs. She said, I know, I just heard the
7 gunshot. And then I said, call 911. So I didn't have
8 to stand outside. When I beat on the door, she came
9 from the balcony to the door.

10 Q. Got you. Got you. And so you were ultimately
11 able to enter your apartment, speak with your daughter
12 and call 911, correct?

13 A. In that order.

14 Q. Got you. Perfect. And it's not like you were
15 trying to escalate the situation or be vigilante or
16 anything like that. I'm guessing you were just sitting
17 in your apartment waiting for the police to arrive,
18 true?

19 A. I was trying to get my breath and thanking God
20 I didn't get killed.

21 Q. And you stayed out of the apartment --

22 A. Not killed.

23 Q. Yeah.

24 A. Yeah. Yes, they -- they -- they came to the
25 apartment.

1 Q. How long did it take for them to get to the
2 apartment?

3 A. I don't recall. I don't recall. I try not to
4 think about this situation.

5 Q. I understand. And I apologize for having to go
6 through it with you today. It's part of the litigation
7 process, unfortunately. It's the same thing -- same
8 thing like in a criminal case, you know what I mean?

9 A. I get it.

10 Q. So you and your daughter, did you -- were you
11 concerned that he might try and come up to your
12 apartment or anything like that? Did you guys, like,
13 hunker down until the police arrived or what did you
14 guys do inside that apartment?

15 A. So what she saw, she saw the tow truck driver
16 leaving. After she heard the gunshot, she ran to the
17 balcony. She saw the shooter running out after the tow
18 truck. So it wasn't -- now, if you're asking about --
19 no, because after she said what she said and she's
20 already watched them exit the property from the balcony.
21 He had enough time to get to the gate, which only opens
22 by car sensors. You couldn't just run up to this gate.
23 Body weight will not open the gate. It had to be car.

24 Q. Like a key fob? I see what you're saying.
25 Even if you have a key fob or access card or passcode,

1 it's the same thing like any other garage gate, right,
2 you kind of have to enter by vehicle, you can't just
3 walk up it to with your body?

4 A. Right. Exactly.

5 Q. Got you. I'm going to keep playing this video
6 if that's okay, sir.

7 A. Okay.

8 (Video played.)

9 A. Hello?

10 Q. (BY MR. EDEN) Yeah, I'm here.

11 A. Okay.

12 Q. Now I want to fast forward a little bit to the
13 16-second marker, but before I do, according to this
14 video, police officers didn't notice anything shot up,
15 didn't find any bullet casings or anything like that.
16 Were you aware of that, sir?

17 A. Up until I saw the cracked glass on the car
18 that they were looking at on the -- on the evidence.
19 And then the officer told me that he's pretty sure that
20 there was a revolver being used.

21 Q. Okay.

22 A. That could explain why there's no casings on
23 the ground.

24 Q. Good deal. I'm going to go ahead and go back
25 to --

1 A. That's what the officers told me.

2 Q. I'm going to go back to the same exhibit, but
3 this time at the 16-minute marker if that's okay.

4 A. Okay.

5 (Video played.)

6 Q. (BY MR. EDEN) Mr. Hardrick, did you order food
7 at the crime scene after you were shot at?

8 A. Did I order food at the crime scene?

9 Q. That's what the lady there is saying. She's
10 saying he ordered food. She's trying to cross the
11 police tape. She said it's the guy with the yellow
12 shirt. I can replay it with that context so we can view
13 it through that lens.

14 A. Yeah, let me see that.

15 Q. Yeah, no problem.

16 (Video played.)

17 A. If I could say that --

18 Q. (BY MR. EDEN) It will stop at 17 -- it will
19 stop at 17 seconds. So what I'm trying to do, sir, is
20 I'm trying to establish a reliable timeline through the
21 objective evidence that your attorney was kind enough to
22 go and acquire. But from my understanding, you had
23 ordered food after the shooting during the crime scene?

24 A. No, it would had to have been like I normally
25 do when I know that I want the food to meet me at the

1 downstairs area. So I would call them before I park the
2 truck or -- or at that time. So I'm sure that I had to
3 order the food before I got in the car.

4 Q. Got you. That makes sense. I do the exact
5 same thing all the time. I get stuck in some crazy rush
6 hour traffic between my office and my home, and so what
7 I do is I end up Uber Eats and Chick-fil-A.

8 A. You can see I'm out of shape right there, so I
9 didn't want to come back down the stairs.

10 Q. I completely understand. I do the same thing
11 and only once or twice have I ever been jammed up where
12 it was something inconvenient for me to deal with with
13 an Uber Eats driver, you know what I mean. But I just
14 wanted to establish a reliable timeline. Now I want to
15 stay on the same exhibit, Exhibit C, but go through the
16 24-minute mark.

17 (Video played.)

18 Q. (BY MR. EDEN) Actually --

19 A. I kind of got offended because they was like,
20 well, are you sure you got shot at? I'm like -- man,
21 that takes me back to that moment.

22 Q. I would be upset about that if someone were
23 challenging the veracity of my complaint or something
24 like that. I completely appreciate the emotional
25 frustration you must have been feeling in that moment.

1 MR. EDEN: Right now what I do want to do
2 is I want to mark as Exhibit D to this deposition of
3 Plaintiff Bobby Hardrick, the body camera footage of
4 Officer Jean-Mario Paillant produced by plaintiff's
5 counsel on September 23rd, 2024.

6 (Exhibit D marked.)

7 Q. (BY MR. EDEN) It's going to take time for this
8 VLC player to open up every time I click on the link.
9 Before, I guess, I mark that as an exhibit and go
10 through the exhibit, I want to ask you really quickly,
11 who is Joshua Ashby?

12 A. That's my team driver.

13 Q. Okay. That's the dude you were with when you
14 were doing the haul in California and Chicago?

15 A. Yeah.

16 Q. Got you. It did open. Perfect.

17 MR. EDEN: Okay. I'm going to mark as
18 Exhibit D to this deposition the body camera footage of
19 Officer Jean-Mario Paillant produced by plaintiff's
20 counsel on September 23, 2024. Any objections, Counsel?

21 MR. HUBBARD: No objection.

22 MR. EDEN: Good deal.

23 Q. (BY MR. EDEN) Sir, what I want to do is I want
24 to go to the 40-minute mark. This is what it's like
25 being an associate at a law firm is you have to sit

1 there and watch every minute of hours and hours of
2 footage.

3 A. Right.

4 Q. Ray doesn't do that. He does sometimes. Are
5 you able to hear this?

6 (Video played.)

7 Q. (BY MR. EDEN) Mr. Hardrick, do you know why
8 the police officer might ask for you to not start any
9 stuff with your coworker?

10 A. I have no idea what they were -- they were
11 saying. Start any stuff, what do you mean by that?

12 Q. I'm not entirely sure. So I want to come to
13 the 28 -- gosh, it's so hard to see that -- the
14 28-minute mark of the video.

15 A. Okay.

16 (Video played.)

17 Q. (BY MR. EDEN) Mr. Hardrick, you're describing
18 Joshua Ashby in this clip, aren't you?

19 A. Yes. Yes. Yes.

20 Q. Okay. And he's that individual who was on the
21 trip with you that you're describing to the police
22 officers that you got into it with?

23 A. Yes.

24 Q. Okay. I'm going to keep playing the video
25 then.

1 (Video played.)

2 Q. (BY MR. EDEN) Mr. Hardrick, what are you
3 thinking in this scene in this moment right here when
4 you lean up against the wall? I'll tell you this right
5 now, whenever I see my dad do that, it looks like he's
6 got a revelation or a thought. What were you thinking
7 in this moment, if you remember?

8 A. That the guy was already out there while we
9 were on the road. We hadn't even touched down in Dallas
10 yet. And my co -- my -- his name is Joshua as well.
11 But the other witnesses stated that they saw this guy
12 out there while we were making our way back from, I
13 would say -- we were in Texas but hadn't got to park
14 yet. But this guy was already on the property and was
15 waiting --

16 Q. Got you.

17 A. -- earlier in the day.

18 Q. Got you. All right. I'm going to keep playing
19 the video then. Thank you for your testimony.

20 (Video played.)

21 Q. (BY MR. EDEN) What do you mean there when you
22 say you don't know who Josh knows?

23 A. I'm not familiar. I don't recall that at the
24 time. But when I say we got into it, he was a rookie
25 driver. So it was about being scared of driving and

1 learning how to drive. It wasn't -- what would I say --
2 it wasn't an argument. It was basically teaching him
3 how to drive. But you hear it different. So that's
4 what that means. You can't drive 50 miles an hour down
5 the highway and expect to get freight delivered and get
6 paid at the same time. So that's what that was
7 regarding to.

8 Q. Mr. Joshua Ashby has access to your gate code
9 for the apartment complex at Berkshire Medical District
10 Apartments?

11 A. Yes. Yes. Yes.

12 Q. Okay. I'm going to keep playing the video.

13 (Video played.)

14 Q. (BY MR. EDEN) Mr. Hardrick, why are you giving
15 the police Joshua Ashby's information and name?

16 A. They asked me facts. I grew up with Joshua
17 Ashby's brother back in -- all the way in Illinois,
18 40-year-old -- 50-year-old -- 45-year-old friend.
19 That's his brother. So I'm just -- the officer asked me
20 questions. I answered it.

21 Q. My question --

22 A. I didn't hold nothing back. I mean, it's on
23 the video.

24 Q. Right. I understand that.

25 A. You can see it. You can hear it. So as I'm

1 doing this deposition, I'm going to give facts. I'm
2 going to give all the information. I'm not going to
3 hide nothing back to make me look a certain way. I'm
4 not going to try to paint a picture to make me look a
5 certain way. I'm going to give the facts. He asked me
6 what happened, and that's what I said. At the same
7 time, I'm already knowing after the fact that this guy
8 was already on the property while we were on the
9 highway.

10 Q. Okay.

11 A. So I just answered it and gave the facts as it
12 is. I'm not going to lie.

13 Q. Okay. I'm going to come back to the 27-minute
14 mark -- 27 and 55-second mark. All right. Sir, I'm
15 just going to rewind it a little bit and replay just a
16 small part of the video that we've already watched and
17 then I'm going to ask you some questions following.
18 Okay?

19 A. Sure.

20 (Video played.)

21 Q. (BY MR. EDEN) Mr. Hardrick, do you remember
22 who you're speaking with over the phone right now at
23 27:55?

24 A. I don't remember. I don't recall that. I was
25 in shock. I mean, I don't --

1 Q. That's okay.

2 A. I don't even -- you're showing me a part of it
3 that I'm looking at now saying, okay, that happened.

4 Q. I completely understand.

5 (Video played.)

6 Q. (BY MR. EDEN) I'm hearing an echo, are you,
7 from my microphone with the audio and video,
8 Mr. Hardrick?

9 A. No, I'm not hearing an echo.

10 Q. Okay. Good deal.

11 (Video played.)

12 Q. (BY MR. EDEN) Mr. Hardrick, you told me he
13 asked about your coworker and all that type of stuff
14 while you're describing something over the phone with an
15 unidentified individual. And so I guess my question is,
16 why are you talking about this on the phone in front of
17 the police immediately following the alleged shooting?

18 A. From the -- because they asked -- what do you
19 mean? Let me get an understanding of what you're
20 asking.

21 Q. Yeah, take your time. Or was that a question
22 for me?

23 A. Yes.

24 Q. Okay. Good deal. According to this video at
25 28:39 -- really starting at 27:55, you're talking about

1 Joshua Ashby at the time the shooting occurred and
2 you're speaking with an unidentified individual over the
3 phone. Why are you talking about Joshua Ashby in front
4 of the police?

5 A. In front of the police?

6 Q. Yes. Do you see how the cop is standing right
7 in front of you?

8 A. Yeah.

9 Q. I'm not asking you why you were talking to the
10 officer about Joshua Ashby. My question is separate and
11 apart from that. My question isn't why are you giving a
12 statement to the police in front of -- to the cop. My
13 question is, why are you talking about Joshua Ashby to
14 an unidentified individual over the phone in the first
15 place to this individual?

16 A. That -- that -- that -- that was even
17 downstairs explaining the time frame of getting out of
18 the truck, explaining -- like I said, that wasn't an
19 incident of getting into it because we don't like each
20 other or we -- the dispute was about working, driving,
21 driving, learning how to drive -- drive a truck. So I'm
22 saying -- I'm going through my mind in anything, and I'm
23 saying -- I'm going to say what I can say, but that's
24 not it because I'm trying to figure out why would
25 somebody be sitting here that I know or that is after me

1 and I'm not even in town --

2 Q. Got you.

3 A. -- at all. So I'm just saying that the --
4 Joshua was not there, so there was an incident as far
5 as -- all I can say. But he was with me.

6 Q. Got you.

7 A. I mean, just think about it. You walk into a
8 thing and -- like I did, I called the tow truck the next
9 day -- the Wells Fargo, is my car on repo? I didn't
10 know it was on repo.

11 MR. EDEN: Objection as nonresponsive.

12 Q. (BY MR. EDEN) So what I'm going to do for you,
13 sir, is I'm just going to go back to the original part
14 we were at before we rewound this exhibit and start at
15 the 33-minute and 20-second mark. Is that okay?

16 A. Sure.

17 (Video played.)

18 Q. (BY MR. EDEN) All right, sir. I'm going to
19 fast-forward to the 40-minute marker on this exhibit.
20 It was the previous part of the video that we were
21 watching before as you approach Officer Paillant.

22 (Video played.)

23 Q. (BY MR. EDEN) What other incident may have
24 occurred between you and Mr. Ashby separate and apart
25 from you guys, quote, getting into it when you were

1 driving back from Chicago? Is there any other incidents
2 that might have happened between you and Mr. Ashby? Any
3 other moments of conflict?

4 A. No. No. No. No.

5 Q. Okay.

6 A. We never got into it. It was just that day
7 that I was wanting him to train in different weather,
8 like out in Seattle going down the mountain in the
9 blizzard and wind, rain, just different things teaching
10 him how to drive and that was it. And like I said, I
11 was in a state of shock. So I wasn't expecting to come
12 and see the tow truck and get shot at. So in my mind,
13 I'm trying to think of the last -- anything. When I had
14 the chance to think about it and talk to him and his
15 brother and the neighbors and listen to all of --
16 everything, it made sense then. But at this moment that
17 you were playing, everything was going through my mind.
18 But there wasn't much to go off of because I was -- we
19 were out of town. So I can't tell you what I was
20 thinking at that moment from just being shot at,
21 thinking I almost died. I was trying to process this
22 whole moment and what -- how could this be. That's what
23 you see me in, a state of shock talking.

24 MR. EDEN: Objection as nonresponsive. At
25 this time I would like to mark as Exhibit E to Plaintiff

1 Bobby Hardrick's deposition body camera footage of
2 Officer Carter Aktabowski. Any objections, Counsel?

3 MR. HUBBARD: No objection.

4 (Exhibit E marked.)

5 Q. (BY MR. EDEN) I want to start this video with
6 this exhibit at the 9-minute and 42nd mark. Okay,
7 Mr. Hardrick?

8 A. Yes.

9 (Video played.)

10 Q. (BY MR. EDEN) Now, Mr. Hardrick, were you able
11 to see that lady in that little stairway area when she
12 came to the officers and told them that they were able
13 to -- that she was able to see what had happened? Are
14 you able -- did you see that on your screen?

15 A. Yeah. I spoke with her as well. So they
16 voluntarily came up there and spoke to the officers.

17 Q. Good deal. Good deal. Now, the reason why I'm
18 asking is because that individual has been identified as
19 Miaya Holliman. Do you know Miaya pretty well?

20 A. I don't know my neighbors by name, but we -- I
21 sit outside and barbecue when I do come home, so they
22 know me from sitting outside barbecuing in front of my
23 garage.

24 Q. Got you.

25 A. I don't know them by name because I'm always on

1 the road.

2 Q. Do you barbecue a lot, Mr. Hardrick?

3 A. Yeah. They call me Bobbycue.

4 Q. I really like that, man. If you want to wrap
5 it up with the trucking business, I think you've got a
6 good Texas -- what's the style, Texas barbecue or what?

7 A. No, I haven't learned that yet. I'm a charcoal
8 man from Illinois.

9 Q. Oh, I see. Ain't nothing wrong with that.

10 A. So some wood chips and a little wood, that's
11 about it.

12 Q. Got you.

13 A. I'm trying to learn the smoking aspect, but --
14 I'm in the right place to do it.

15 Q. Dallas is a good place to learn how to smoke
16 some brisket. I'll represent to you her name is Miaya
17 Holliman. She makes a statement to one of the officers.
18 There are three officers that kind of showed up separate
19 and apart from the additional folks who showed up. But
20 when it comes to this body cam footage, I'm sure you're
21 seeing us hear you tell the same story, right? I mean,
22 it stayed consistent. It's not like you're switching up
23 the facts or anything like. But the reason why there
24 are multiple of these videos is because you make a
25 statement to a different officer. So the first time,

1 I'll represent to you, when we went through your
2 statement, it was with the Officer Eric Urquiza. He's a
3 Hispanic officer whose body cam footage is marked as
4 Exhibit C. This one currently is an Officer Carter
5 Aktabowski that you spoke with. His body cam footage is
6 marked as Exhibit E. Do you understand that these are
7 different statements that you're making? They're still
8 essentially the same consistent statements, it's just
9 two different people you're speaking with about the same
10 facts or events, correct? Do you understand that?

11 A. Uh-huh.

12 Q. Good deal.

13 (Video played.)

14 Q. (BY MR. EDEN) Mr. Hardrick, this is you
15 communicating with Officer -- oh, my goodness, what is
16 his name -- Officer Aktabowski. This is when the
17 officers first arrived at the scene. We see that
18 there's a time and date stamp up here for January 3,
19 2023. Now, why did you bring up Joshua Ashby, your
20 coworker, again -- or for the first time, rather, to
21 Officer -- to Officer Aktabowski?

22 A. I'm going to say it again. To come in -- I've
23 been coming in for a long time -- a lot of time, and to
24 walk into that -- I wasn't expecting to come in and get
25 shot at. The last person that I was with -- we was

1 together. The reason why I'm saying this, I'm
2 flabbergasted. I'm not knowing the tow truck is there.
3 They come on January 3rd, locate the car on January 3rd.
4 That's not in my mind at the time. I just got shot at.
5 I'm trying to put together and think what might could
6 have happened or -- I don't know anybody -- I wasn't
7 with nobody. That's what I'm trying to say. I'm trying
8 to process through my mind. And then when I see the tow
9 truck moving around, I'm not knowing my car is under
10 repo at the time. So I was just processing through my
11 mind anything. You've got to realize, I had just got
12 shot at. I was in a state of shock. So you're talking
13 to me now when I'm not in shock, but you're asking me
14 questions about when I was in shock.

15 Q. Got you. I understand. I'm going to keep
16 playing the video.

17 (Video played.)

18 Q. (BY MR. EDEN) I think -- I think this is when
19 the other officer was telling that delivery lady to not
20 cross the police tape perimeter, and I think you walked
21 over there to get your food. I think that -- does that
22 make sense? It's like different cameras -- it's almost
23 like editing a mystery film, right? It's like we've got
24 so much raw footage from different vantage points and
25 different perspectives that we kind of have to put all

1 the puzzle pieces together. I appreciate your patience
2 with me in getting this done.

3 But when establishing that reliable timeline
4 like I told you earlier, do you feel comfortable or have
5 an understanding of when you're communicating with
6 Officer Aktabowski? It's roughly around the time -- I'm
7 trying to establish a reliable timeline, and I really
8 like the delivery lady as a marker, as a time stamp,
9 right? Do you have an understanding that this statement
10 that you're making to Officer Aktabowski is when that
11 delivery lady attempts to deliver your Chinese food?

12 A. I'm watching it, but what are you -- I don't
13 get what you're saying.

14 Q. (BY MR. EDEN) I'm just asking if you have an
15 understanding of when this statement is being made
16 during the officer's investigations.

17 A. The statement for who?

18 Q. The statement you're making to Officer
19 Aktabowski.

20 A. I'm not recalling what you're saying -- getting
21 what you're asking me.

22 Q. Okay. I'll ask it in a better way. I'll ask
23 it in a better way. You're talking to Officer
24 Aktabowski while that lady is trying to deliver your
25 food, right?

1 A. Right.

2 Q. Got you. That was the question. Sorry about
3 that.

4 (Video played.)

5 Q. (BY MR. EDEN) I want to, for the record, state
6 we are now on minute marker 13 minutes and 37 seconds of
7 Exhibit E. Now I'm going to continue playing the video
8 for you. Okay, sir?

9 A. Okay.

10 (Video played.)

11 Q. (BY MR. EDEN) Mr. Hardrick, why did your
12 daughter drop the keys down when you arrived at
13 Berkshire Medical District Apartments after your Chicago
14 trip?

15 A. To pull the car out of the garage.

16 Q. Got you. So she dropped the keys for you to
17 pull the car out of the garage?

18 A. Pull her car out of the garage.

19 Q. Sorry.

20 A. It was her car keys.

21 Q. That makes perfect sense. I want to go and
22 fast forward to the 16-minute mark of Exhibit E. You've
23 got to tell me, Mr. Hardrick, if you can see my notes
24 because that's cheating if you do.

25 A. No, I'm not. I'm actually listening.

1 Q. Good deal. Good deal?

2 MR. HUBBARD: I've done that before. I've
3 actually e-mailed my notes.

4 MR. EDEN: Oh, man, that's painful. I know
5 that's going to be me in the future. I just feel it
6 every time I hit send.

7 Q. (BY MR. EDEN) I'm going to press play at the
8 16-minute marker for Exhibit E, the body cam footage
9 from Officer Carter Aktabowski. Okay, Mr. Hardrick?

10 A. Yes.

11 (Video played.)

12 Q. (BY MR. EDEN) So, Mr. Hardrick, it sounds
13 like, according to you in this body cam footage at 16
14 minutes for Exhibit E, that you did see a tow truck pull
15 up and then the tow truck left. And when he was gone,
16 after that, the alleged shooter was still standing there
17 and then fired the shots after that, according to you?

18 A. According to me, my thought is once I closed
19 the garage, the -- getting the car was over with. You
20 should have shot me at the -- if you was looking to
21 shoot me, why didn't you -- if you're going to shoot a
22 gun in the community, why wouldn't you shoot me when I
23 was at the mailbox? Why would you let me walk to go to
24 my daughter? Why would you let me do all this movement
25 until I close the garage and the tow truck pull off and

1 you pull off after the tow truck?

2 Q. Well, that's not what you said in the video, is
3 it? What you're saying in the video at the 16-minute
4 mark -- and I can go back and replay it. But what
5 you're saying is the tow truck --

6 A. I was in shock.

7 Q. I'm sorry.

8 A. I was in shock.

9 Q. I'm sorry, sir.

10 A. I can't tell you what I -- what I did at that
11 date. I just thank God I'm here to even have a
12 deposition. But it just makes sense that you have ample
13 opportunity -- if you wanted to kill me, you could have
14 even ran up to the stairs and killed me in my back.
15 Immediately after the tow truck left and the garage
16 closed, you make gunfire, then you ran out after the tow
17 truck. Why didn't -- if you're going to kill
18 somebody -- shoot somebody, you're not going to pick a
19 time and be witnessed. He could have did it when I
20 first got there.

21 Q. Got you.

22 MR. EDEN: Objection as nonresponsive.

23 Q. (BY MR. EDEN) And as a friendly reminder,
24 Mr. Hardrick, I want to remind you, remember for a clean
25 record and to really help the court reporter,

1 Ms. Baldwin, you've really got to let me finish the
2 question before you start answering and I'll extend the
3 same courtesy. Is that okay, sir?

4 A. That's okay.

5 Q. All right. Good deal.

6 A. It's just going back through these moments and
7 you picking and choosing. I lived it and I live every
8 day, so the motor mouth comes along with that.

9 Q. Oh, you're good, brother. I do the exact same
10 thing all day every day. It's actually hard for me to
11 keep my mouth shut according to my girlfriend. Okay.
12 Now, I want to stay with the same exhibit, the body cam
13 footage of Carter Aktabowski, but I want to start at the
14 19-minute and 15-second mark. Do you see that part of
15 the video on your screen where you're standing over the
16 kitchen island and your daughter -- I mean, do you see
17 an image of a young lady in front of the camera?

18 A. That's my daughter.

19 Q. And that's your daughter Asia?

20 A. Yes.

21 Q. Good deal. And so I think this is the part of
22 the video where she's providing a statement to the
23 police officer. I just want to watch this part and then
24 ask you some questions following. Is that okay?

25 A. Okay.

1 (Video played.)

2 Q. (BY MR. EDEN) Mr. Hardrick, it's not too much
3 of a conflict with the description of the alleged
4 shooter, but what do you remember about him? If you
5 could, give a brief description about what he looked
6 like, what he was wearing, age, weight, something like
7 that. I mean, could you give us a brief description
8 about what this alleged shooter looked like?

9 A. Dark skin, skinny, had on a gray hoodie, black
10 pants, yeah.

11 Q. Do you remember what type of pants he was
12 wearing, if they were sweatpants, jeans, slacks?

13 A. Sweats.

14 Q. Sweatpants? Got it. Now I'm going to fast
15 forward to the 21 and 38 mark. I promise you, ain't a
16 lot happening in between these videos. It's a lot of --
17 a lot of heavy breathing from the camera man, if you
18 know what I mean.

19 A. Okay.

20 Q. So we're at 21:38. Asia is giving a statement
21 on the screen to the police officer from the beginning.
22 And I'm going to go ahead and start that video. Okay,
23 sir?

24 A. Yes.

25 (Video played.)

1 Q. (BY MR. EDEN) So, Mr. Hardrick, I'll represent
2 to you that the African-American officer that knocked on
3 the door that Officer Aktabowski opened the door for is
4 Officer Jean-Mario Paillant whose body cam footage we
5 marked as Exhibit D. Do you understand that, sir?

6 A. Yeah. That's that --

7 Q. Got you.

8 A. That's the body cam who knocked on the door.

9 Q. Exactly. And so that's kind of what we're
10 doing now. It's like one of those indie films, right,
11 where we get multiple vantage points of the exact same
12 scene just through different folks' lens, if that makes
13 sense.

14 A. Folks' lens, right, I get you.

15 Q. I'm going to continue the video at 22:32.

16 (Video played.)

17 Q. (BY MR. EDEN) Now, as your daughter is
18 describing the alleged shooter, does that sound correct
19 with your recollection? Did he kind of have, like,
20 shorter dreads or something like that?

21 A. I thought they were longer --

22 Q. That's okay.

23 A. -- hanging out the -- hanging out the hoodie.

24 Q. Got you. It's not like he had like a small
25 fade like I do, right?

1 A. Right. I wear that also.

2 Q. I'll tell you this right now, I've got an
3 appointment at 4:00 today with my barber in a different
4 town because I'm loyal to my barber. I'm not going
5 to -- you know what I mean? I'm not going to go to one
6 right here across the street just because it's
7 convenient. I have a terrible hairline, so he works
8 magic for me.

9 A. I get it.

10 Q. Was he African-American, the alleged shooter?

11 A. Yeah, dark skin.

12 Q. Got you. I'm going to continue the video at
13 22:46 if that's okay.

14 (Video played.)

15 Q. (BY MR. EDEN) Mr. Hardrick, were you able to
16 hear your daughter provide a description of the alleged
17 shooter?

18 A. I hear the answer she's giving him, yes.

19 Q. Yeah. And my question is, does that sound
20 accurate? Is your daughter providing an accurate and
21 truthful description of the alleged shooter as you
22 remember him?

23 A. I'm going to say I can't recall the weight, but
24 I can recall the height. He was a little bit taller,
25 but skinny with the gray, the black. I'm not going to

1 say I can give you a weight count.

2 Q. I like to use -- because it's difficult, right?
3 We're not scales. I like to use football positions to
4 describe weight. It just feels like a nice, little
5 ballpark, you know what I mean? Now --

6 A. I like to weigh in 80,000 pounds,
7 50,000 pounds. So I have --

8 Q. You're good.

9 A. -- 12,000 pounds on the front and no more than
10 34,000 pounds on my tandems and axles. So that's the
11 weight I'm used to.

12 Q. That sounds good. But, like, if you were to
13 look at him, did he look like he would be lineman on a
14 football team? Did he look like he would be a tight end
15 or a wide receiver? I played wide receiver. I'm 150.
16 What did you -- do you think he could --

17 A. I'm going to say like Olive Oyl. That's what I
18 pictured.

19 Q. Olive Oyl from Popeye's?

20 A. Yeah.

21 Q. I mean, not Popeye's, but the show Popeye. Got
22 you. Got you.

23 A. Yeah, Popeye. Yeah, Olive Oyl. He was super
24 skinny.

25 Q. You might have missed -- you're lucky you got

1 me in my generation because someone else a little bit
2 younger than me, maybe a first year associate, might
3 have missed that reference. I'm going to keep going.
4 Right now we are at the 24-minute mark on Exhibit E
5 providing a description -- Asia, your daughter, is
6 providing a description of the alleged shooter.

7 (Video played.)

8 Q. (BY MR. EDEN) So according to your daughter,
9 sir, she's stating that she didn't see this alleged
10 shooter get in the tow truck or anything like that. Did
11 you hear that?

12 A. Yeah, I heard that.

13 Q. Do you have any reason to challenge the
14 truthfulness or the veracity of the statement that your
15 daughter is providing to Officer Carter Aktabowski at
16 the 24-minute and 43-second mark in Exhibit E, the body
17 cam footage of Officer Carter Aktabowski? Do you have
18 any reason to challenge the truthfulness or the veracity
19 or the accuracy of your daughter's statement to him?

20 A. Yes, because the angle. If you look at the
21 picture where Joshua Stinson took on his third balcony
22 floor of the tow truck driving around, he physically
23 went -- encountered the shooter. So he has an angle
24 pointing outside of the gate. If you're looking from
25 where Asia is looking from, that's going straight down

1 the gate, not in and out. Joshua's perception of what
2 he saw and explained, he saw it pulling out of the gate.
3 So I do, yes.

4 Q. Who is this? Joshua who?

5 A. Joshua is another -- you will see him at the
6 end of the video. He gave -- he walked up and gave the
7 officer what he saw. And he later came up to me, and he
8 video-recorded this and sent me a video of the tow truck
9 driver going around -- you know, running around the
10 parking lot and this guy standing at the gate. So he --
11 like he said, he had a different angle of what Asia had.

12 Q. Did he speak with the police?

13 A. It's a neighbor.

14 Q. I understand he's a neighbor. But he spoke
15 with the police, is what you're telling me, in this
16 video?

17 A. Yes. I don't know what video. There were a
18 few of them. But I know that Joshua was the one who
19 brought it to my attention. He asked the officer could
20 he talk to me behind the yellow tape. He said that he
21 was watching this guy and he was taking a video of the
22 tow truck driver and the guy, and he was leery. He said
23 he was wanting to call the police then, but he got busy
24 and he was running back and forth from the building --
25 or his -- in the house to the patio -- in the house and

1 patio. Then when he was in the -- cleaning up his
2 house, he said he heard the gunshot. That's when he
3 said it all hit him. He was like, I should have called
4 the police. He ran to the patio. And his patio is the
5 apartments that's sideways as far as -- he can come out
6 his patio and look outside the gate, who comes in and
7 out.

8 Q. Got you.

9 A. He can look and see along the gate. So I
10 would -- I would -- from what she saw to say and from
11 what he saw and said, I could understand because of the
12 angles of the patios.

13 Q. Got you. And so when the shooter was first,
14 before any shots were fired, standing in front of you,
15 how far in front of you would you say he was?

16 A. He was where the officer was like I told you.

17 Q. I understand that. I'm more so concerned with
18 the distance between you and him. That's what I'm -- I
19 understand where he was at. I was just trying to figure
20 out the distance between you and the shooter.

21 A. From the sidewalk to the middle of the street.

22 Q. So you got a pretty good look at him?

23 A. Yeah.

24 Q. Okay.

25 A. I did a turnaround. I looked. I had to see

1 because he was -- he was -- both hands on the gun at
2 first and was looking right at me.

3 Q. Did he have a uniform on that would indicate
4 that he belonged to a tow truck company or a
5 repossession company?

6 A. He had a hoodie and some black pants -- black
7 sweats.

8 Q. Is that a no to my question?

9 A. No. No.

10 Q. No as in he didn't have a uniform on indicating
11 he was an employee, correct?

12 A. I'm not for sure if they wear uniforms. I
13 never seen a tow truck driver other than back then tow
14 truck drivers wear a uniform.

15 Q. Got you. Got you. So you're in no position to
16 testify today one way or the other whether or not he was
17 wearing a uniform then; true or untrue?

18 A. He had a hoodie and he had pants on.

19 Q. I think the only answer there is true or
20 untrue, sir. I'll rephrase -- I'll re-ask the question.
21 Okay? The question was, so you're in no position to
22 testify today one way or the other whether he was
23 wearing a uniform for work, for repossession, or tow
24 truck company; true or untrue?

25 A. I don't know what the uniform would look like

1 if he did.

2 Q. Got you. So --

3 A. I don't know if I'm looking at his uniform.

4 No, I wouldn't say no. I would say I wouldn't know what
5 to look for as his uniform as what they would wear.

6 You're asking me -- a uniform could be a shirt and
7 pants. A uniform could be a hoodie with the name on the
8 back. I didn't see. I don't know.

9 Q. Right. Right.

10 A. You're asking me a question that I can't give
11 you the answer to because I don't know what type of
12 uniform they would provide.

13 Q. And I think that's a failure on my part asking
14 the question because that is what the cull of the
15 question is. The cull of the question was asking
16 whether you would be able to say one way or the other.
17 Does that make sense? I'm not asking you to say no, he
18 wasn't wearing a uniform. I'm trying to support your
19 testimony.

20 A. I don't -- I would have to say I couldn't
21 answer that because I don't know what type of uniform
22 they would wear.

23 Q. Got you. That was what the question was.
24 Mr. Hardrick, you understand that is the question I'm
25 asking, right?

1 A. Yeah.

2 Q. That is what I'm saying.

3 A. Yeah. Yeah.

4 Q. Does that make sense?

5 A. Yeah. And I'm giving you the answer that I can
6 give you. If I could be looking at someone -- it could
7 be a clown in a uniform, and I could just be like, you
8 dressing like that, and they're like, this is our
9 uniform. Okay. I don't know what uniform -- I can tell
10 you the officers out there was dressed for work and that
11 type of uniform. I could give you that answer.

12 Q. That's exactly what I'm asking, is that you
13 wouldn't be able to tell me one way or the other, right?

14 A. I wouldn't -- I would have to say that it's not
15 a fair question because I don't know what type of
16 uniform Keel Recovery drivers use or if they even use a
17 uniform.

18 Q. Got you. What do you think it is that I'm
19 asking you, Mr. Hardrick?

20 A. You're trying to make me say that I know what
21 Keel Recovery uniforms would be. I don't.

22 Q. I see. So that is not what I'm asking, and I
23 apologize in failing in asking my question because I'm
24 not trying to ask you if you know what they look like or
25 to say that they do look one way or the other. I'm not

1 asking that. Do you understand now that that is not, in
2 fact, what I am asking you?

3 A. You want to say a uniform. It's a question
4 that I can't give you an answer to. I can't tell you
5 yes, I can't tell you no because there's -- there's --
6 uniforms come in -- when they're -- the NFL that you
7 were talking about, they wear their uniforms. They
8 could have the hoodie and the sweatpants on. That could
9 be their uniform. They could all have the same thing
10 and that's going to be the uniform. But you're trying
11 to get me to dictate what type of uniform. For me to
12 say I saw him in a uniform or not, I can't.

13 MR. EDEN: Mr. Hubbard, I think --

14 A. I'm just telling you what I saw.

15 MR. EDEN: -- it's a good time to take a
16 short break because I think no matter how many different
17 times I try to ask this question, it just -- the cull of
18 the question isn't coming across. I think it would be
19 good if we take a little bit of a break.

20 MR. HUBBARD: Sounds good.

21 MR. EDEN: Thanks.

22 (Break taken from 2:02 to 2:15.)

23 Q. (BY MR. EDEN) All right. Mr. Hardrick, I
24 think I've gotten easier questions drafted that will
25 help everyone understand what the cull of the questions

1 are, okay, because --

2 A. Sorry about that. Sorry about that.

3 Q. No, you're good. There's a sign at this golf
4 course on the 9th hole near my girlfriend's house and it
5 says crocodiles do not swim here. It says, crocodiles
6 and then it says do not swim here. And you're looking
7 at that sign and you're thinking to yourself, what is it
8 trying to tell me? Is it trying to tell me that
9 crocodiles don't swim here and I can go get my ball or
10 are they telling me, hey, crocodiles are here, you
11 better not swim in this water, guy. You know what I
12 mean? So I completely understand.

13 A. All right. All right.

14 Q. Now, the question I was trying to ask you
15 before, I've got a better way of asking it now, okay,
16 is -- and I'm going to do it in a true and false way.
17 Okay?

18 A. Okay.

19 Q. What you're -- what you're telling me is you do
20 not know if the shooter was wearing a uniform; true or
21 untrue?

22 A. True.

23 Q. Okay. And according to your testimony and the
24 statements you provided to the officers, you did not see
25 the shooter get in the tow truck; true or untrue?

1 A. True.

2 Q. Okay. And according to you and Asia and the
3 video that we watched marked as an exhibit, Asia did not
4 see the shooter get in the tow truck as well; true or
5 untrue?

6 A. True.

7 Q. Okay. And do you know if anyone saw the
8 shooter get in the tow truck?

9 A. I was speaking with a -- the witness, and they
10 didn't -- no. Let me say no. Hello?

11 Q. Yeah, I'm here, sir. I'm here. I'm just a
12 little slow. I'm just a little slow.

13 A. That's okay. That's okay.

14 Q. I've got 34 years of my dad reminding me of
15 that. And were you ever made aware that the
16 investigating officers that came out to the scene did
17 not call for crime scene to come out because they found
18 that there was no reason to? They stated that there was
19 no shell casings in the area, no holes in any of the
20 walls or fire projectiles and any property damage. Are
21 you aware that they did not call for crime scene to come
22 out to the parking lot of Berkshire Medical District on
23 January 3, 2023?

24 A. I'm aware that the supervisor told him he
25 didn't want to break protocol when they were looking at

1 the cracked windshield. One of the officers didn't want
2 to call, but the head officer said he wanted to --
3 didn't want to break protocol, it is a crime scene to
4 call for them to come out there. I witnessed that on
5 the video.

6 Q. Got you. Got you. And so that cracked
7 windshield, do you know whose vehicle that was?

8 A. I don't.

9 Q. I'll represent to you that was for Miaya
10 Holliman, that suspect -- or not suspect -- that witness
11 who came out of her apartment when you were giving a
12 statement to the officer. Do you understand that that
13 cracked windshield was for a vehicle that belongs to
14 Miaya Holliman?

15 A. Right now you're saying so.

16 Q. Yeah, that's all I'm asking is if you
17 understood that based off what I'm representing.

18 A. Okay.

19 Q. Good deal. And Miaya Holliman said to the
20 police officers -- and it's supported by the body cam
21 footage produced by your attorney in discovery on
22 September 24, 2024 -- that those cracks on the
23 windshield were already preexisting. Did you know that?

24 A. I didn't know. I just saw that on the video.

25 Q. Got you. Now, sir, I'll represent to you that

1 a lawsuit is usually broken down into two parts when it
2 comes to these types of civil cases. The first part is
3 liability. You know, that's just trying to describe
4 what people did wrong. And so for a lot of my trucking
5 clients, my drivers specifically, they want to say
6 liability is, well, you failed in exercising ordinary
7 care in the operation of your commercial vehicle. You
8 drove too fast, you didn't check for a blind spot, you
9 ran a red light or something like that. That's what
10 liability is.

11 The second part of the case or for these
12 lawsuits are what are called damages. Because it's a
13 civil lawsuit, you're entitled to what are called
14 compensatory damages. That's to make you whole again
15 for the damages that you've suffered as you allege in
16 the lawsuit.

17 Do you understand the distinction that I'm
18 trying to make between liability and damages?

19 A. Yes.

20 Q. Now, I don't have you for very much longer, so
21 I'm going to try and go a little more expedited when I
22 discuss your damages. But that's what I want to discuss
23 moving forward. Is that okay?

24 A. No. I don't want you to get your hair cut.

25 Q. So --

1 A. Yes, that's okay.

2 Q. -- I've actually got -- never mind. I was
3 going to say something, but it was going to get me
4 caught up on the record and then my girl was going to
5 get on me and be like, what do you -- what do you need
6 this haircut for so badly by Saturday, so I'm not going
7 to say it.

8 A. Okay.

9 Q. Let's just say she might not be my girlfriend
10 for very much longer. That's all I wanted to say on
11 that.

12 A. You messed up already.

13 Q. I want to talk --

14 A. She might not detach herself from you.

15 Q. I cannot stress enough, we may have gotten past
16 that mark. We may have gotten past that.

17 A. Right. I get it.

18 Q. It's hard. Man, it's hard. I've never had to
19 break someone's heart before. But -- but I want to -- I
20 want to talk to you about how this alleged incident has
21 impacted you following January 3, 2023. That's kind of
22 the reason why I asked earlier in your deposition about
23 if you, you know, performed any athletics after school
24 before January 3rd because I want to know some of the
25 stuff that you were able to do before January 3rd that

1 you're no longer able to do as alleged in your lawsuit
2 or just, generally speaking, how this alleged incident
3 has affected you. So could you please provide a brief
4 description about how this alleged incident has affected
5 you?

6 A. Well, it's affected me and my family in many
7 ways. Are you just asking for self -- myself?

8 Q. Yeah, for you.

9 A. Okay. Okay. Okay. Well, just general --
10 general life, you know, just going through, you have
11 triggers. You break train of thoughts through the day.
12 Driving a truck, my career, I'm -- I basically through
13 the therapy was saying I've had three accidents since
14 this has happened in a commercial vehicle, and they --
15 they recommended to try to reduce the triggers to come
16 out of the truck, try to find a different career.
17 That's my therapist and my marriage counselor. So we
18 were just trying to come up to a way -- because, you
19 know, that's my way of living. It's kind of hard to --
20 I don't -- that's my career -- to jump into another
21 career and get the pay that you can make driving a
22 truck. So that's been hard right there. And just
23 trust. Trusting is -- is -- is almost shot, you know.
24 It's just -- you know, it's hard to explain. But life
25 isn't the same since it happened, you know, just

1 anxiety, depression, not knowing if you will ever get
2 back to the way of living or, you know, the -- it might
3 come back, it might not. I can't put a dollar amount on
4 that because if it does come back, great. But if it
5 doesn't come back and the amount of money that is
6 offered and accepted doesn't go thereafter, the latter
7 part, money runs out, you know, but you're still feeling
8 you're there. So it's kind of hard to put a dollar
9 amount on my recovery that I'm trying to get at and as
10 close back to normal as I can get. I don't know. But
11 can I ask you, what would you put on it?

12 Q. I used to freely answer that question when I
13 was a plaintiff's lawyer. In fact, I would put that up
14 on a big demonstrative ELMO in a courtroom and ask folks
15 and tell them what to put there, but I can't give you
16 that answer, I'm sorry.

17 A. Yeah, I'm like that as well. It's just -- you
18 know, my daughter is affected. She was there. I mean,
19 even the people that was out there had to live through
20 it and with neighbors and everything. I don't know what
21 to put on it. I mean, I just thank God that -- that's
22 like me saying what's my life worth. I just thank God
23 that I'm here. I'm not -- I didn't get shot and -- or
24 killed, but it's hard to say. I can try to give an
25 answer, but I don't think I have one.

1 Q. That's okay. I've got a lot to work with here.
2 So you're telling me this incident has caused you
3 anxiety and depression. You're seeing a therapist. Do
4 you happen to know that therapist's name currently?

5 A. Yeah.

6 Q. Who is that therapist?

7 A. Chris Logan. Chris Logan.

8 Q. And are you being prescribed anything for your
9 anxiety and depression as a result of your treatment
10 with Chris Logan?

11 A. Yeah. I was on actually -- it's my PCP
12 prescribing it. I was on Fluoxetine. And it got closer
13 to this time right here, so I was kind of going through
14 anxiety and more depression, so my doctor put me on --
15 took me off the Fluoxetine -- weaned me off of that and
16 then he put me on Sertraline -- Sertraline. Let me give
17 you the right information.

18 Q. That's okay. We'll go ahead and wrangle those
19 records in a bit. But are you currently still treating
20 with Chris Logan?

21 A. Yes. Yes. Yes, I am. I'm actually going to
22 see him after this.

23 Q. Good deal. Good deal. And have you provided
24 these -- have you provided records from Chris Logan to
25 your attorney?

1 A. Yes.

2 Q. Okay. And where does Chris Logan practice at?

3 A. He's out of Native -- Texas Native Health out
4 of Dallas, Texas.

5 Q. Got you.

6 A. Sertraline, S-E-R-T-R-A-L-I-N-E.

7 Q. Wait a minute. Is Texas Native Health also
8 where your PCP practices out of, Gary Vollenweider?

9 A. Yes. It's an Indian-based clinic. I'm
10 Cherokee.

11 Q. I see.

12 A. Yeah.

13 Q. So Chris Logan works in conjunction with your
14 primary care physician, I'm guessing, since they're,
15 like, part of the system -- healthcare system?

16 A. Yes. They have different branches. Just like
17 your law firm, you might be in bankruptcy, you might
18 have litigation over here for corporate law or -- just
19 like that. It's that entity.

20 Q. Us litigation guys are the cool ones. It's the
21 coverage attorneys who do insurance stuff, those are the
22 weird ones.

23 A. All right.

24 Q. Watch me catch an insurance attorney on the
25 jury, right? All right. Well, were you suffering from

1 anxiety and depression and being treated for it prior to
2 January 3, 2023?

3 A. No, I wasn't. I wasn't suffering from anxiety
4 and depression.

5 Q. Okay. Remember earlier in the deposition we
6 discussed who it is that I represent? What I want to do
7 is I want to go through each one of them with you and
8 talk about their role. Okay?

9 A. Okay.

10 Q. All right. Now, Keel Recovery, Inc., you named
11 in the lawsuit as being the repossession agency company.
12 I represent -- our law firm represents Keel Recovery,
13 Inc. What all do you think Keel Recovery did wrong?

14 A. What do I think did wrong?

15 Q. What all do you think Keel Recovery, Inc. did
16 wrong?

17 A. First of all, for coming through the gates and
18 didn't have authority to do so, starting there. I would
19 say shooting at me and not even calling to make a police
20 report. If I'm a tow truck driver and I experience
21 something I didn't have a part of, I want to let my
22 employer know and I want to make a police report,
23 especially if I want to go back to that area to try to
24 get the car. So I would have made a police report
25 regardless.

1 Q. How do you know it was the Keel Recovery agent
2 who was shooting at you?

3 A. Well, he was there with the tow truck and he
4 left with the tow truck, and we don't have random
5 bullets coming across our parking lot out there. Either
6 you're walking a dog or you're power walking. That's
7 why it was so strange for this to happen. And as you
8 heard my neighbor, the officer asked him, does
9 Mr. Hardrick ever had any problems, no, he's not --
10 never in that video footage. So, I mean, I know
11 personally -- even me speaking to Joshua Ashby -- my
12 father just passed away in August. He was a pallbearer.
13 He carried my father to lay him to his final rest. So,
14 I mean, it's -- you know, at first when I was going
15 through these things -- events in my mind, I was -- it
16 was -- it was flabbergasting. But after taking the time
17 to talk and sort it all out and -- and -- I can plainly
18 see what happened. That's how I know.

19 Q. Got you. And according to your testimony
20 earlier, you don't know if the shooter was wearing a
21 uniform, you did not see the shooter get in the tow
22 truck, and you don't know if anyone saw the shooter get
23 in the tow truck, correct?

24 A. Correct, I say that.

25 Q. So what factual basis are you relying on to say

1 that this shooter was working with or for Keel Recovery,
2 Inc. at the time?

3 A. Well, like I said, they were there before --
4 they were there together, they left together, and my
5 witness had a view of them exiting. They went in the
6 same direction.

7 Q. Got you. And what was name of that witness?
8 It was Joshua what?

9 A. Joshua. I don't remember his last name. It's
10 on the video.

11 Q. Was he white, black?

12 A. He's black.

13 Q. Skinny? It looked like he would be a corner or
14 would he be a linebacker?

15 A. He's the last -- he's the last -- he's the last
16 guy on the video. He asked if he could speak to me and
17 give me his number and asked if -- the video -- the
18 cop's video camera is looking right at him while he
19 talks, and he handed the officer his driver's license.

20 Q. The problem is there is a lot of video, and I
21 watched it all.

22 A. Right.

23 Q. I just want to know which one was which. There
24 were several people who spoke with the officers that
25 were investigating the scene, so --

1 A. Right.

2 Q. Can you give me a brief description about his
3 weight maybe? Was he thin?

4 A. Joshua -- Joshua was short and thin.

5 Q. Short, thin and black?

6 A. Yes.

7 Q. Thank you. What about his hair? Does he get a
8 taper also or a fade or does he have some dreads?

9 A. I want to say he had -- I'm going to say he had
10 medium hair maybe. But he's -- he's the guy that came
11 face to face with the -- with the shooter and took the
12 video of the tow truck driving around from the third
13 floor facing out the gate.

14 Q. Got you. Now, I want to ask you the same
15 question but for Resolvion. Okay?

16 A. Okay.

17 Q. What all do you think Resolvion did wrong?

18 A. Resolvion did not do their homework.

19 Q. What do you mean by that?

20 A. Well, when I was speaking to the office -- are
21 you familiar with the Office of the President of Wells
22 Fargo Bank, that -- that area of corporate?

23 Q. I got correspondence between you and some folks
24 over at Wells Fargo.

25 A. Well, that's the Office of the President is

1 what they call that.

2 Q. Okay.

3 A. They're the bigwigs. So I stayed in touch with
4 the Office of the President, and he was just being
5 frank. He was just saying -- you know, talking out loud
6 or he was just making it be known, he just came out and
7 said Resolvion is going to be the one to pay for this.

8 Q. Wells Fargo told you that? Anything else that
9 you rely on to say that Resolvion -- what they did
10 wrong? Anything else?

11 A. I'm going to say that they should have -- know
12 who they hired -- contracted to.

13 Q. So you think they negligently hired folks to
14 repossess vehicles and stuff?

15 A. I'm going to say that this time they did. I
16 can't -- if you did it once, you know -- and then on top
17 of that, if you're not -- if you're going to
18 subcontract, I want to know if you have permission. I
19 want to know did the apartment people give you
20 permission to come on and disturb their residents. I
21 want to know if you're doing legal things, not just go
22 grab a car.

23 Q. You don't know if they were trespassing; true
24 or untrue?

25 A. Yeah, I know. I spoke to the manager.

1 Q. Oh, so you do know that the tow trucks there
2 repossessing vehicles as you've alleged were
3 trespassing? That's what you're telling me?

4 A. They're trespassing. They didn't have
5 permission from the management. They didn't have a
6 court order to come over there to take the car.

7 Q. Got you. And if we were to subpoena the
8 apartment complex, Berkshire Medical District
9 Apartments, and speak with their management team and
10 stuff like that, they would corroborate that testimony?

11 A. That's -- that's what she told me.

12 Q. Got you.

13 A. I'm not going to tell you a lie under oath.

14 Q. I believe you, sir.

15 A. I don't think she would.

16 Q. We don't know her. That's why the hearsay rule
17 exists. It's like the telephone game, right?

18 A. Right.

19 Q. I cannot stress this enough, brother, there
20 have been so many times where me and my girl would get
21 into a huge fight and she'll go and tell folks, this is
22 what Essay said, and I hear from her sister and I'm
23 like, that is not at all what I said whatsoever. It's
24 the crocodiles do not swim here thing, man.

25 A. Right. I get it.

1 Q. Okay. Anything else about Resolvion and what
2 they did wrong?

3 A. I'm just going to say that they passed the
4 torch down. So the big fish was the overseer of both of
5 them.

6 Q. Same question --

7 A. The big whale looking after the little whale.

8 Q. Same question, but this time for Wells Fargo.
9 What all do you think Wells Fargo did wrong?

10 A. They had a lot to touch basis with. Like I
11 said, I was even in contact. They gave me permission to
12 sell the car before we even got into the repo part of
13 it. We knew -- we were having business conversations.
14 They gave us permission and basically told us how we
15 could go about selling the car even though it had a repo
16 on it. They walked me through how to go through the
17 dealership, what they would give the dealership to
18 override the repo that the dealership would come up
19 with. I can't -- I don't know the fancy words for it
20 that he was using. But they walked me through how to
21 sell this car. And then he even went as far as taking
22 the car after all this happened. And it just -- like I
23 said, I was in constant contact with Wells Fargo with
24 this whole thing.

25 Q. Anything else?

1 A. I got a letter from Wells Fargo stating that
2 they're -- they're really -- they take these allegations
3 seriously and they're sorry that I don't -- I'm not
4 satisfied with Keel Recovery's, basically, conduct.
5 There's a letter with that. There's a whole memo from
6 Wells Fargo to me. So I just think that everybody
7 failed -- dropped the ball.

8 Q. Anything else that Wells Fargo did wrong other
9 than giving you permission to sell the car and then
10 attempting to repossess it?

11 A. They didn't -- they didn't oversee the -- who
12 they hired -- who they contract out to. In return, the
13 contractor is supposed to oversee the subcontractor. So
14 the ball was dropped all the way across. The car was
15 recovered and sold. So they got that part done. I was
16 shot at, and I'm still -- that's life. That's -- these
17 are hard questions. They don't have to close their eyes
18 at night and go through these things and see images or
19 go through the -- you know how these things play out.
20 So that's all I have to say, just everybody do the right
21 thing.

22 Q. And is there anything that you used to be able
23 to do before --

24 A. Yeah.

25 Q. -- that you're no longer able to do as a result

1 of the alleged incident?

2 A. Enjoy -- enjoy baseball games, football games
3 that have fireworks. Enjoy New Year's Eve, New Year's
4 Day. Enjoy going to places where I could stand a crowd.
5 That's not easy no more. Seeing people in hoodies and
6 the tow trucks out here chasing, you know, these cars,
7 to see the tow truck is just a flashback. And it's
8 only -- it's the tow truck with the -- it looks like
9 it's a cross on the back of it where they let down and
10 get up under the --

11 Q. Yeah, I know the cross that you're talking
12 about.

13 A. Yeah. Yeah, it's those tow trucks. It's not
14 the flatbeds or anything. It's just a lot of triggers
15 that changed my enjoyment of life.

16 Q. Now, if I were to request from your attorney
17 the identity of that witness that you're relying on who
18 you're telling me had that vantage point that your
19 daughter Asia did not have, would you be able to provide
20 his identity and contact information for this lawsuit?

21 A. Yes.

22 Q. Good deal.

23 MR. HUBBARD: Counsel, I think it was in
24 our initial disclosures, his phone number.

25 MR. EDEN: Oh, is it? Let me see. I think

1 you might be right.

2 A. He was the one who came and he asked to speak
3 to me. He said he just knew something wasn't right. He
4 wasn't going to sit there and worry about -- if he was
5 thinking that the guy was by himself, why is he
6 taking -- why is he videotaping the tow truck as well
7 going around the parking lot? He did both. He came in
8 contact with the shooter. Then he had these videos of
9 the tow truck. He had a whole video, and then he said
10 he -- what happened is he switched phones and he was
11 only able to recover some of the video. But he said he
12 had a whole video for a minute of the scene, is what
13 directly came out of his mouth. So yes, sir.

14 Q. (BY MR. EDEN) Who is Dr. Saida Osman?

15 A. Who?

16 Q. Dr. Saida Osman. Here, I'll go ahead and mark
17 it as an exhibit.

18 MR. EDEN: At this time I would like to
19 mark as Exhibit --

20 Q. (BY MR. EDEN) I'm sorry, sir?

21 A. Can you -- that's my original -- that's the one
22 who diagnosed me with PTSD.

23 Q. Got you. Over at 1283 Record Crossing Road?

24 A. Yes. He was seeing me on a regular -- that's
25 why I said I come here on a regular -- so all these

1 notes add up to show that I wasn't -- where the change
2 took place at and the time frame that it took place on
3 their notes.

4 Q. And does Dr. Osman practice out of Texas Native
5 Health?

6 A. Yes.

7 Q. Okay.

8 A. I've been with Chris for over two years now.

9 Q. Chris Logan?

10 A. About two years. Yes.

11 Q. Got you.

12 A. And then Martha, she sees us because it's
13 affected my marriage as well. So me and my wife go to
14 marriage counseling here as well and try to, you know,
15 make it through. Like you, it's a battle, but --

16 Q. Yeah. Yes, sir. Is there anything -- are you
17 currently employed? You're not currently employed, are
18 you?

19 A. No. That's totally different.

20 Q. Yeah.

21 A. Actually, yeah, I'm -- that's a different ball
22 game. I'm looking to get healed so I can get back
23 working.

24 Q. I feel you. I understand. Is there anything
25 that you wish to discuss that we haven't had an

1 opportunity to discuss today?

2 A. Other than to be thankful to have a whole body
3 and external body and be alive. That's -- that's my
4 thankful. You can't put a dollar amount on that. I
5 can't. I don't -- maybe, you know, if I wasn't here and
6 somebody else had to answer that, that would be -- they
7 might could probably do that. But for me, it's hard.

8 Q. Got you.

9 A. It's like me putting a price on my life.

10 Q. Well, I am almost -- almost out of time. I've
11 still got a little bit left. So is it okay if we take a
12 five-minute break for me to review my notes, and then
13 if -- after we come back from the break, I think we're
14 going to just be done.

15 MR. HUBBARD: Sounds good. I have very
16 little.

17 MR. EDEN: Thank you.

18 (Break taken from 2:45 to 2:55.)

19 Q. (BY MR. EDEN) Mr. Hardrick, I think I've
20 covered everything I needed to cover. Have I been kind
21 and respectful to you, sir?

22 A. Absolutely. Great -- great -- great guy. I
23 would buy you a drink if I was sitting next to you if we
24 was at a bar.

25 Q. I would -- I would say the exact same. You've

1 been kind and respectful to me as well and really,
2 really like you as well. Thank you so very much.

3 MR. EDEN: I'll pass the witness.

4 THE WITNESS: Likewise.

5 EXAMINATION

6 BY MR. HUBBARD:

7 Q. Mr. Hardrick, I've got a couple of questions
8 for you.

9 A. Okay.

10 Q. During the summer, we answered some
11 interrogatories from the Defendants.

12 A. Yes.

13 Q. Were those an honest and accurate account of
14 the facts and your damages?

15 A. Yes.

16 Q. All right. I want to make the video part of
17 the record. I know it's hard to watch, Mr. Hardrick.
18 I'm not sure how to do that, so it may take me a second.

19 A. Okay.

20 Q. All right. Are you seeing what I'm seeing? Is
21 the video up?

22 A. I see the selection, but it's not up.

23 Q. You don't see the video from Berkshire?

24 A. I see -- I don't see -- it's not open.

25 MR. EDEN: It's a -- currently what's open,

1 Mr. Hubbard, is the folder for docs from Berkshire and
2 there's, like, files in that folder.

3 MR. HUBBARD: Okay. Do you know how to
4 make the media player show?

5 A. Is that the one that has D-11 on it?

6 Q. (BY MR. HUBBARD) Yes.

7 MR. HUBBARD: Did that help?

8 MR. EDEN: No, it's still the folder. I
9 can play the video for you, sir.

10 MR. HUBBARD: We may be here a while.

11 MR. EDEN: Let me find it for you. I'll
12 play it for you, sir.

13 MR. HUBBARD: Okay. Let me skip ahead,
14 Bobby, and see if I can get this file to show up.

15 MR. EDEN: All right. I'm going to start
16 sharing my screen for you. I'm going to start from the
17 beginning.

18 Q. (BY MR. HUBBARD) All right. Bobby, can you
19 see the video?

20 A. Yes.

21 (Video played.)

22 Q. (BY MR. HUBBARD) Have you seen this video
23 before?

24 A. Yes.

25 Q. What is it a video of?

1 A. That's a video of the Keel Recovery truck, the
2 shooter and myself.

3 Q. Does it fairly and accurately depict the
4 incident that's made the basis of this lawsuit?

5 A. Yes.

6 Q. Is that -- you said that was you in the video?

7 A. Yes, running.

8 Q. All right.

9 MR. HUBBARD: I'd like to mark this as
10 whatever the next exhibit is.

11 (Exhibit F marked.)

12 MR. HUBBARD: Thank you for pulling that
13 up.

14 Q. (BY MR. HUBBARD) All right. Last one. Maybe
15 I can get this to pull up. All right. Do you see the
16 medical records, Bobby?

17 A. Yes.

18 MR. HUBBARD: All right. I want to mark
19 this as Exhibit G, I believe.

20 (Exhibit G marked.)

21 Q. (BY MR. HUBBARD) Did you see a Dr. Osman on --

22 A. April 19th?

23 Q. Is it April 19th? Yeah, I see it up there.
24 Did you go then?

25 A. Yes, I did.

1 Q. All right. Going down to this part where it
2 talks about PTSD, did you talk about the incident with
3 Dr. Osman?

4 A. Yes. Yes.

5 Q. And it looks like she put, He was shot in
6 January. Now he has trouble sleeping and every time he
7 hears a loud noise, he gets anxious. He is more
8 hypervigilant and constantly looking around his
9 surroundings. Is that what she wrote?

10 A. Yes.

11 Q. It's your understanding you were diagnosed with
12 PTSD due to the incident made the basis of this lawsuit?

13 MR. EDEN: Objection; leading.

14 A. Yes.

15 Q. (BY MR. HUBBARD) And you've been seeing your
16 therapist Chris for this lawsuit?

17 A. Yes. Yes.

18 MR. HUBBARD: All right. That's all I
19 have.

20 MR. EDEN: We'll reserve.

21 THE REPORTER: Mr. Hubbard, did you need a
22 copy of the transcript?

23 MR. HUBBARD: Electronic transcript.

24 (END OF PROCEEDINGS)

25

1 CHANGES AND SIGNATURE

2 DEPOSITION OF: BOBBY HARDRICK, JR.

3 DATE OF DEPOSITION: JANUARY 23, 2025

4 PAGE LINE CHANGE REASON

5 _____

6 _____

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25 _____

1 I, BOBBY HARDRICK, JR., have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct, except as noted above.
4

5 _____
6 BOBBY HARDRICK, JR.
7
8
9
10

11 THE STATE OF _____)

12 COUNTY OF _____)
13

14 Before me, _____, on this
15 day personally appeared BOBBY HARDRICK, JR., known to me
(or proved to me under oath or through
16 _____) (description of identity
card or other document)) to be the person whose name is
17 subscribed to the foregoing instrument and acknowledged
to me that they executed the same for the purposes and
consideration therein expressed.

18 Given under my hand and seal of office this
19 _____ day of _____, _____.
20

21 _____
22 NOTARY PUBLIC IN AND FOR
THE STATE OF _____
23 COMMISSION EXPIRES: _____
24
25

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BOBBY HARDRICK)
)
Plaintiff,) CIVIL ACTION
) NO. 3:24-CV-00014-D
v.)
)
WELLS FARGO BANK NATIONAL)
ASSOCIATION; RESOLVION, LLC;)
KEEL RECOVERY, INC.)
)
Defendants.)

REPORTER'S CERTIFICATION

I, Dawn Baldwin, a Certified Shorthand Reporter
duly commissioned and qualified in and for the State of
Texas, do hereby certify that there came before me,
remotely, on the 23rd day of January 2025, the following
named person, to-wit: BOBBY HARDRICK, JR., who was duly
sworn to testify the truth, the whole truth, and nothing
but the truth of knowledge touching and concerning the
matters in controversy in this cause; and that he was
thereupon examined upon oath and his examination reduced
to typewriting under my supervision; that the deposition
is a true record of the testimony given by the witness.

1 The amount of time used by each party at the
2 deposition is as follows:

3 Essay Eden.....04 Hours, 41 Minutes
4 John Hubbard.....00 Hours, 05 Minutes

5 I further certify that I am neither attorney or
6 counsel for, nor related to or employed by any of the
7 parties or attorneys in the action in which this
8 proceeding was taken, and further that I am not a
9 relative or employee of any attorney or counsel employed
10 by the parties hereto, or financially interested in the
11 action.

12 CERTIFIED TO BY ME on this the ____ day
13 of _____, 2025.

14
15 

16 DAWN BALDWIN, Texas CSR
17 Expiration Date: 10/31/25
18 U.S. LEGAL SUPPORT, Firm #122
19 16825 Northchase Drive, Suite 900
20 Houston, Texas 77060
21
22
23
24
25

		127:8 128:3	2021
Exhibits	0	16-second	10:20
		109:13	2023
EX A Bobby Hardrick, Jr.	0129	17	5:19,25 16:6
012325	71:5	110:18,19	56:8,13,18
4:3 66:22,25		18-wheeler	63:14 64:6
71:1,2	1	40:19 41:10,	65:1 70:21
		12	71:9,11,21
EX B Bobby Hardrick, Jr.	1099	19	72:3 82:18
012325 Cover	60:15	38:17	88:1,4,21,24
Page	10:32	19-minute	89:10,13,16
4:4 69:4,9	36:3	129:14	90:4,8,16,25
EX C Bobby Hardrick, Jr.	10:41	19-year-old	123:19
012325 Cover	36:3	38:17	142:23
Page	11:33	1972	145:21 150:2
4:5 95:19,22	64:16	8:7	2024
96:9 111:15	11:38	1990	19:6,10
123:4	104:10	12:25 88:19	24:5,6,9,22
EX D Bobby Hardrick, Jr.	11:41	19th	25:10 29:2,
012325 Cover	64:16	164:22,23	4,13 30:16,
Page	11:54	1:55	25 31:7,10,
4:6 112:2,6,	104:14	66:20	20 32:9
18 131:5	12,000	1st	34:1,7,14,
EX E Bobby Hardrick, Jr.	133:9	63:23	19,22 35:9,
012325 Cover	1283		22 36:6,19
Page	159:23	2	47:19,23
4:8 120:25	13		50:9 54:25
121:4 123:6	126:6	20	55:16 85:15
126:7,22	130	86:10	86:8,9 95:21
127:8,14	71:16	20-second	112:5,20
134:4,16	131	119:15	143:22
EX F Bobby Hardrick, Jr.	78:18	2001	21
012325 Cover	135	32:23	130:15
Page	69:1	2005	21:38
4:9 164:11	15	85:12,23,25	130:20
EX G Bobby Hardrick, Jr.	34:22	86:8	22:32
012325 Cover	15-second	2008	131:15
Page	129:14	11:25 12:2,	22:46
4:9 164:11	150	5,6	132:13
EX G Bobby Hardrick, Jr.	133:15	2013	23
012325	156	87:15	56:10 95:21
4:11 164:19,	68:20	2014	112:20
20	16	11:12 86:10,	23rd
	127:13	17	112:5
16-minute	16-minute	2017	24
110:3 126:22	110:3 126:22	66:15	19:9 24:6,22
			25:9 29:13
			31:9 34:1,6,

14,19 35:9, 22 36:6,19 47:19,23 50:9 54:25 55:16 85:15 143:22 24-minute 111:16 134:4,16 24th 45:10 85:21 25 29:2,4 30:25 25th 25:12 26:6 30:8 45:17 26 8:7 16:17 19:6 30:16 31:7,19 32:9 26th 30:10 52:23 27 116:14 27-minute 116:13 27:55 116:23 117:25 28 113:13 28-minute 113:14 28:39 117:25 2:02 140:22 2:15 140:22 2:45 161:18 2:55 161:18	<hr/> 3 <hr/> 3 5:19,25 56:8,13,18 63:14 82:18 88:1,4,21,24 89:10,12,16 90:4,7,16,25 123:18 142:23 145:21 150:2 30 18:23 20:19 24:7 32:16 45:8 32 37:24 32-inch 21:15 33-minute 119:15 34 142:14 34,000 133:10 34-hour 62:17 37 126:6 38 130:15 3:00 72:10,15,18 3:30 37:9 3rd 6:20 63:24 67:12 70:21 87:13 98:13 105:9 124:3 145:24,25	<hr/> 4 <hr/> 40 63:4 40-minute 112:24 119:19 40-year-old 115:18 413 9:8 14:23 42nd 121:6 43-second 134:16 4307 18:1,2 107:1 45-year-old 115:18 4730 9:21 10:19, 22 17:22,25 18:2 48-hour 62:17 4906 5:3 4:00 37:9 132:3 <hr/> 5 <hr/> 5 70:21 71:9, 21 72:3 50 54:12 94:13, 14 115:4 50,000 133:7 50-year-old 115:18 53-foot 21:8 39:7	53-footer 21:17 55-second 116:14 5811 9:8,10 14:22 5:00 73:1 5th 48:17,20 72:4 <hr/> 6 <hr/> 60 21:4 65 21:4 6:30 91:2 92:15 6th 47:6,7,8,9, 11,17 <hr/> 7 <hr/> 70 62:16,19 72 41:8 75043 9:9 7:00 92:15 <hr/> 8 <hr/> 80,000 133:6 8:00 71:22 <hr/> 9 <hr/> 9-minute 121:6
--	---	--	---

90 13:18, 23, 25 84:1	48:15, 16 49:22 55:3 58:5 61:23	accurate 6:11 8:23 36:18 63:16	affidavit 68:13
91 13:19, 23	66:10 68:3, 4 70:10, 13	68:15 72:4, 13 73:8	African-american 131:2 132:10
911 42:9, 10, 20 69:5 70:5, 14 95:11 107:7, 12	78:4 81:21 86:13 94:11 97:7, 17 100:7 107:11 113:5	75:6, 7, 11 100:11 132:20 162:13	afternoon 37:13
92 13:24, 25 14:7	121:10, 12, 13, 14 132:15 138:16 139:13	accurately 164:3	age 130:6
93 13:23	145:25 146:1 157:22, 25	accusing 85:5	agencies 59:7
9th 141:4	158:19 159:11	acquire 110:22	agency 58:20 150:11
<hr/> A <hr/>	above 23:22 43:1 101:21	across 105:10 132:6 140:18 151:5 157:14	agent 151:1
A-A-L-I-S-H-A 65:11	absolutely 20:10 78:2 82:24 161:22	Act 62:11	aggressive 79:24 80:2, 4
A-S-I-A 17:19	accepted 55:8 147:6	actively 22:7	aggressor 77:3 79:16, 22 82:9
a.m. 71:22	access 60:23 108:25 115:8	add 11:25 160:1	ago 16:17
Aalisha 65:9 68:23 71:22 72:9, 14, 24 73:3, 4, 15 74:23, 25 75:2 76:9, 11, 19, 24 77:14, 17 78:3, 18 79:7, 16, 21 80:7, 8, 12 81:15	accident 19:7, 9 20:20 36:16, 18 37:5, 7 38:6 40:11 42:14 43:4 45:4, 10 47:18, 23 48:3, 7 49:19 55:1, 16 56:15 74:18	additional 13:8 28:11 44:9 122:19	agree 101:5, 6 102:14
Aalisha's 73:12 81:22	accidents 53:11 146:13	address 9:7 10:2, 9 26:19 29:12 50:8 51:21	ahead 67:20 68:9 69:15 90:15 97:25 109:24 130:22 148:18 159:16 163:13
ability 98:6, 17	account 162:13	admitting 79:21	ailments 87:13
able 6:11 30:17 31:3 34:21, 25 37:22 41:12 42:2, 4	accounts 59:4, 5	adult 90:13	aimed 100:13
	accuracy 73:9 134:19	adverse 5:14	ain't 122:9 130:15
		advised 72:25	airbag 66:16
		Advocate 52:17	aisleway 101:25 106:17
		affected 146:3, 4, 6 147:18 160:13	Aktabowski 121:2 123:5, 16, 21 125:6,

10,19,24	allowing	answers	apple
127:9 129:13	96:20	7:6,10 67:22	9:12 10:23
131:3	altercation	anticipated	14:13 15:9
134:15,17	65:5,15,16	36:21 37:10	apply
Alabama	amazing	anxiety	40:16
54:10,14	41:15	87:10 147:1	appointment
Alaska	ambulance	148:3,9,14	26:4,7,11
54:15	42:24	150:1,3	27:21 28:3
alcoholic	ambulanced	anxious	30:16 31:2
6:8	43:16,18	165:7	32:2,8,15
Ali	amount	anybody	34:2 51:3
49:4,5,11	147:3,5,9	17:8 84:13,	89:5,18
50:5	161:4	15 124:6	132:3
alike	ample	anymore	appointments
18:3	128:12	20:9 35:1	27:25 29:11
alive	angle	75:24	33:25 34:3,
161:3	134:20,23	anyone	11
allegations	135:11	9:5 17:20	appreciate
157:2	angles	34:16 84:17	33:12 51:8
allege	136:12	142:7 151:22	111:24 125:1
5:19 11:2	angry	AP	approach
144:15	79:23 80:4	73:16	119:21
alleged	ankle	apart	approaching
5:18,24 6:19	86:19	30:24 118:11	38:7
9:20,24	answer	119:24	approximately
17:21 64:14	6:18 7:13	122:19	71:22 76:12
88:15 90:16,	18:10 42:20	apartment	102:15
25 92:19	44:24,25	11:1 93:2	April
94:18,21	53:2 57:13	102:21	164:22,23
117:17	58:15 70:20	106:12	area
127:16	92:22	107:11,17,	9:2,4 11:9
130:3,8	101:11,14	21,25 108:2,	67:19 91:23
131:18	103:14	12,14 115:9	92:17 93:10,
132:10,16,21	132:18	143:11	20 94:3,22
134:6,9	137:19	154:19 155:8	111:1 121:11
145:20	138:11,21	apartments	142:19
146:1,2,4	139:5,11	11:6 91:1,7	150:23
155:2 158:1	140:4	92:1,4,6,10,	153:22
alleging	147:12,16,25	13,18 93:5	argument
36:6 62:21	161:6	115:10	115:2
63:15 77:23,	answered	126:13 136:5	Arlington
25	53:18 115:20	155:9	10:1,18
allow	116:11	apologize	11:11,13,15,
7:25 48:19	162:10	13:2 53:1	17 86:11
82:13	answering	105:16 108:5	arm
allowed	7:24 8:1	139:23	24:20 25:4,
53:20	96:21 129:2		14 29:9 45:7

75:3 76:9, 19,25 81:22 90:10 around 39:20,22 63:19,24 66:5 76:10 77:16 79:7 85:4 91:1,25 92:14,15 100:12 101:1,8 102:11,20 103:9,16 105:21 124:9 125:6 134:22 135:9 153:12 159:7 165:8 arrest 64:7,23,25 65:3 69:6 71:5,8,10 75:17 79:19 80:3,14 82:18 83:5 84:4,5 85:5 arrested 63:25 71:23 72:8,25 73:1,18,19 74:21 75:1 76:8,17,23 77:15 78:4 83:20 arresting 78:15,17 arrests 81:2 arrive 92:12 107:17 arrived 91:3,21 92:17 95:7, 16 108:13 123:17 126:12 Ashby 112:11	113:18 115:8 118:1,3,10, 13 119:24 120:2 123:19 151:11 Ashby's 115:15,17 Ashraf 49:4,5,7,8, 11,24 50:1,6 Asia 17:17,18,20 65:6 73:20 77:8 78:5 79:6,8 82:2 95:5,8,10 129:19 130:20 134:5,25 135:11 142:2,3 158:19 Asia's 81:9 asked 41:22 42:14 44:5,6 48:8 52:22 58:10 65:18 75:16 85:18 115:16,19 116:5 117:13,18 135:19 145:22 151:8 152:16,17 159:2 asking 7:24 32:5 52:19 83:17 86:1 87:11, 12 88:9 93:24,25 98:15 108:18 117:20 118:9 121:18 124:13 125:14,21	138:6,10,13, 15,17,25 139:12,19, 22,23 140:1, 2 141:15 143:16 146:7 aspect 122:13 assignment 58:12,17,18, 22 assistant 31:16 assisted 57:15,22 associate 112:25 134:2 Association 5:13 assume 7:20 assuming 16:25 athletics 88:13,23 145:23 Atlanta 80:8,13 attack 77:6 82:4,7 attempting 157:10 attempts 125:11 attend 13:17 attention 38:1 71:4 135:19 attorney 5:11 6:18 7:14 10:4 37:17 53:4, 25 54:20 55:17 110:21 143:21 148:25	149:24 158:16 attorneys 53:19,24 74:8 149:21 audibly 55:19 96:1 98:18 audio 64:9,24 65:12,25 70:4,9,12 97:8,18 100:8 117:7 August 20:19,22 24:1,5,6,9, 22 25:9,12 26:6 29:2,4, 13 30:8,10, 16,25 31:7, 9,19 32:9 34:1,6,14,19 45:10,17 48:9 49:16 85:15,21 86:8 151:12 authority 60:19 150:18 auto 48:3 automobile 41:9 available 32:12 53:25 59:9 average 23:22 aware 31:25 109:16 142:15,21,24 axles 133:10
--	--	---	--

B	backwards	barricaded	beginning
	48:6	79:5	37:8 53:15
	bad	baseball	64:18 96:19
back	27:1 32:23,	158:2	101:23
18:24 19:4	25 33:4	based	130:21
25:16 26:25	66:15 69:21	24:24 67:23	163:17
27:6 28:2	badly	143:17	behind
29:15 30:17,	145:6	basic	22:11,15
20 31:14	baffled	29:7	25:23 39:12
33:1,6 41:9	102:7	basically	40:18 81:15
42:19 44:3,	bag	50:12 58:20	93:9 135:20
10,11 45:2,7	100:2	60:15,18,25	believe
46:17 48:2	104:19,22	77:5 115:2	6:17 20:13,
50:15,18,23	bail	146:12	14 23:21
51:22 52:23,	80:19	156:14 157:4	26:15 27:11
24 57:24	Baker	basis	28:21 33:22
63:21,22,24	17:7	9:17,20,24	44:14 47:20
71:1 72:21	balcony	17:14,21	54:7 55:2
76:10 80:11	95:14 101:21	22:11 62:22	56:22 59:6
85:7 86:15	107:5,9	100:21	60:12 72:22
87:4 91:17,	108:17,20	151:25	82:8 83:15
18,19 92:9	134:21	156:10 164:4	84:17 87:5,
95:2 97:5,10	Baldwin	165:12	16 95:8
99:4,9	5:2 129:1	basketball	155:14
102:9,10	ball	13:15 14:1	164:19
103:11,12	88:22 141:9	88:21	belonged
104:10,23	157:7,14	Bates	137:4
105:5,9,13,	160:21	71:4,16	belongings
22 109:24	ballpark	78:17	99:9
110:2 111:9,	133:5	battle	belongs
21 114:12	bandwidth	160:15	104:3 143:13
115:17,22	15:14,19	Baylor	belt
116:3,13	Bank	49:8,12 50:2	43:8,14,24
119:13 120:1	5:13 153:22	beat	benefits
128:4,14	bankruptcy	82:6 107:4,8	22:6,9,17
129:6 135:24	149:17	beating	23:2,9 25:6,
137:13 138:8	bar	82:7 95:9	9 49:23
147:2,3,4,5,	161:24	Beauty	51:10
10 150:23	barbecue	86:22	Berkshire
158:9 160:22	121:21	bed	11:6,7 92:3,
161:13	122:2,6	81:16	6,9,12,18
backing	barbecuing	bedroom	93:5 115:9
86:25	121:22	73:5,13	126:13
backtrack	barber	74:22,24	142:22 155:8
49:16	132:3,4	began	162:23 163:1
backtracked	barricade	98:23	berserk
51:4	81:12		79:7

besides 75:18 84:13	board 60:16,24 61:1,3 105:18,21	born 8:12,14 13:1,2	broken 28:22,25 90:7 144:1
best 72:2 98:5,16	Bobby 5:6 8:6 20:14 21:11 56:9 66:22 69:4 71:23 72:8,25 73:2,16,18, 19 74:21 75:1,2 76:8, 18,23 77:15 78:5 95:19 112:3 121:1 163:14,18 164:16	boss 23:21 54:24	brother 115:17,19 120:15 129:9 155:19
better 15:16 65:12 86:15 125:22,23 141:11,15	bottom 68:25	box 32:24 91:24	brought 32:3 135:19
beverage 6:8	boys 37:16	brakes 40:17	bruise 78:21 79:4
big 48:14 147:14 156:4,7	braking 40:23	branches 149:16	building 69:19 135:24
bigwigs 154:3	break 7:17 35:14 36:3,5 64:12,16 66:9 97:21, 23,24 140:16,19,22 142:25 143:3 145:19 146:11 161:12,13,18	buildings 93:9	bulldogs 12:10,11,13, 14
bills 55:13	break 7:17 35:14 36:3,5 64:12,16 66:9 97:21, 23,24 140:16,19,22 142:25 143:3 145:19 146:11 161:12,13,18	bullet 109:15	bullets 151:5
birth 8:7	break 7:17 35:14 36:3,5 64:12,16 66:9 97:21, 23,24 140:16,19,22 142:25 143:3 145:19 146:11 161:12,13,18	bumper 41:17,25 42:3	burning 24:21
bit 33:4 66:17 71:12 98:14 100:24 109:12 116:15 132:24 134:1 140:19 148:19 161:11	break 7:17 35:14 36:3,5 64:12,16 66:9 97:21, 23,24 140:16,19,22 142:25 143:3 145:19 146:11 161:12,13,18	business 37:17 57:17 60:1 122:5 156:13	busy 135:23
black 130:9 132:25 137:6 152:11,12 153:5	break 7:17 35:14 36:3,5 64:12,16 66:9 97:21, 23,24 140:16,19,22 142:25 143:3 145:19 146:11 161:12,13,18	buy 161:23	
blade 78:22	break 7:17 35:14 36:3,5 64:12,16 66:9 97:21, 23,24 140:16,19,22 142:25 143:3 145:19 146:11 161:12,13,18		
blank 36:8	break 7:17 35:14 36:3,5 64:12,16 66:9 97:21, 23,24 140:16,19,22 142:25 143:3 145:19 146:11 161:12,13,18		
blew 66:16	break 7:17 35:14 36:3,5 64:12,16 66:9 97:21, 23,24 140:16,19,22 142:25 143:3 145:19 146:11 161:12,13,18		
blind 144:8	break 7:17 35:14 36:3,5 64:12,16 66:9 97:21, 23,24 140:16,19,22 142:25 143:3 145:19 146:11 161:12,13,18		
blizzard 120:9	break 7:17 35:14 36:3,5 64:12,16 66:9 97:21, 23,24 140:16,19,22 142:25 143:3 145:19 146:11 161:12,13,18		
blood 89:23	break 7:17 35:14 36:3,5 64:12,16 66:9 97:21, 23,24 140:16,19,22 142:25 143:3 145:19 146:11 161:12,13,18		

calendar 85:10	cancel 70:3	Carrier 62:11	challenge 134:13,18
California 104:24,25 105:2,4,5,25 112:14	cancer 88:8	Carrollton 29:24	challenging 111:23
call 38:8 42:9 46:17 52:12, 18 59:21 68:7 69:5 70:3,5,14 79:10,11,12, 13 80:23 93:13 95:3, 4,10 103:25 105:24 107:7,12 111:1 122:3 135:23 142:17,21 143:2,4 154:1	capture 67:12	cars 37:22 40:15 99:16 158:6	chance 120:14
called 27:2 42:10 52:21 79:11 80:6 93:11 95:5,11 119:8 136:3 144:12,13	car 27:23 36:16 40:9,10,17, 18 42:12,15 53:11 66:15 74:24 91:6,8 92:2 94:25 95:2 99:4,5, 6,7,17 101:24 103:3 108:22,23 109:17 111:3 119:9 124:3, 9 126:15,17, 18,20 127:19 150:24 154:22 155:6 156:12,15, 21,22 157:9, 14	Carter 121:2 123:4 127:9 129:13 134:15,17	change 160:1
calling 80:25 150:19	card 108:25	case 40:9 49:15, 17 108:8 144:11	changed 89:25 158:15
cam 95:20 122:20 123:3,5 127:8,13 129:12 131:4,8 134:17 143:20	Cardinal 86:12	cases 144:2	changing 40:15
camera 41:7 112:3, 18 121:1 129:17 130:17 152:18	care 30:13 31:19 47:4,16 49:21 50:3 55:4,7 57:25 58:6 89:20 144:7 149:14	casings 109:15,22 142:19	charcoal 122:7
cameras 124:22	career 146:12,16, 20,21	CAT 28:12,24	charges 80:15 83:6
	Carenow 25:19,20,22 26:5 29:2,3 30:7,11,24 31:23 34:2 87:2	catch 97:23 149:24	chased 85:6
	carried 151:13	caught 74:17 145:4	chasing 158:6
		caused 31:8 148:2	cheating 126:24
		causing 15:20	check 28:9 34:24 35:1 46:24 144:8
		cautious 38:2	check-up 89:23
		CDL 61:19,20	check-ups 89:22,25
		center 29:25 57:15, 23 91:23 92:3,5	checked 80:21
		central 52:1	checking 80:18,25
		certain 68:10 74:7 116:3,5	Chellette 15:4 70:14, 16,18 79:10, 12 82:1
		certificate 61:18	Chellette's 99:18
		cervical 51:25	Cherese 71:23 72:9, 24 73:3,4,16 74:23,25 75:3 76:9, 11,19,24 77:14,18,19

78:4,19	claims	Coaction	123:15 125:5
Cherokee	85:13,14,16,	70:4	communication
99:13 149:10	17,20,22,24	code	23:20
chest	86:3,7	115:8	community
73:3,12	clarity	Coe	62:2 127:22
Chicago	6:19	5:11	comp
11:21,22,24	classes	college	25:6,8,12,15
12:15 13:2	61:17	13:10,12	31:25 32:25
63:2,23	classified	14:9 62:2	48:10,17,25
91:16,18	22:25	collided	49:14,16,23
112:14 120:1	clean	38:24	50:1,6,11,12
126:13	128:24	collision	51:2,4
Chick-fil-a	cleaning	39:1	company
111:7	27:24 136:1	combination	21:5 24:23
child	clear	46:23	37:4 59:24,
16:16 32:23	53:2	come	25 70:4
Children	clearing	23:13 28:2	137:4,5,24
12:17	23:11	36:22 42:16	150:11
Chinese	click	47:15 49:14	Compass
125:11	112:8	82:10 105:5	99:13,14,20
chips	clients	108:11 111:9	104:1,2
122:10	5:24 10:11	113:12	compensated
choking	33:17,20	116:13	55:10
77:5	82:25 144:5	120:11	compensation
choosing	clinic	121:21	85:14,16
129:7	149:9	123:22,24	compensatory
Chris	clinics	124:3 136:5	144:14
148:7,10,20,	27:2	140:6	complainant
24 149:2,13	clip	142:17,21	71:22 72:9,
160:8,9	113:18	143:4	24 73:3,4,15
165:16	clock	146:15,18	74:23,24
Christmas	63:1	147:3,4,5	75:2 76:8,
105:7	clocks	154:20 155:6	11,18,24
Cierra	63:1	156:18	77:14,17
16:21	close	159:25	78:3,18
City	127:25	161:13	complaint
12:20 57:15	147:10	comes	29:8 75:8,
71:3	157:17	43:25 74:11	14,15 84:18
civil	closed	122:20 129:8	111:23
144:2,13	127:18	136:6 144:2	complaints
claim	128:16	comfortable	26:8 43:20
6:19 22:2	closer	97:22 98:12	45:6
25:8 52:3	148:12	125:4	complete
55:3,11	clown	commercial	14:5,15,18
85:23,25	139:7	61:25 144:7	48:24
86:8,9,10	clusters	146:14	completely
	37:11	communicating	29:20 51:8

66:18,20	Congratulation	contractor	79:19 82:19
70:24 77:13	ns	60:18 157:13	95:16,17
97:22 98:12	16:7	controlled	104:21
100:19	conjunction	47:14	107:12
101:5,6	149:13	convenient	123:10
106:3	connect	132:7	131:18
111:10,24	10:14 24:13	conversations	137:11
117:4 141:12	connected	53:3,19,24	151:23,24
complex	24:17 82:14	156:13	correction
11:1,4 28:1	consistent	convicted	98:25
94:8 115:9	62:10,11	83:1,3,16	correctly
155:8	98:12 106:7	conviction	71:25 72:11
compounded	122:22 123:8	80:14	73:6,21 75:4
45:13	Constance	convictions	76:13 77:19
comprehension	15:7,16,25	83:12	78:23
74:2	16:2,12,16	cool	correspondence
computer	18:6	149:20	153:23
66:1	constant	cop	corresponds
concerned	156:23	118:6,12	69:5
42:12 51:9,	constantly	cop's	corroborate
11 108:11	78:8 165:8	152:18	31:22 81:10
136:17	Constitutional	copies	155:10
conclude	52:17	68:15	coughing
80:14	consultation	copy	18:10
concluded	26:7 29:2	67:7 165:22	counsel
22:3,8 77:24	34:1	Corder	67:1 69:7
conclusion	contact	15:4 70:14,	95:21 96:7,
22:11,16	23:19	16	14 112:5,20
83:7	156:11,23	cornea	121:2 158:23
condition	158:20 159:8	84:24	counseling
19:11 87:9	context	corner	160:14
88:10,11	110:12	152:13	counselor
conditions	continue	corporate	146:17
19:3 40:3	49:23 90:22	149:18	count
conduct	100:5 126:7	153:22	133:1
157:4	131:15	correct	counter
cone	132:12	6:1 8:8,10,	73:21
69:24	continued	11 11:2,3	country
confession	73:17 77:16	16:3,4 22:24	105:10
98:20	contract	23:9,10	County
conflict	58:19 60:17	25:4,5 41:6,	36:25
120:3 130:3	157:12	7 47:11,24,	couple
conflicting	contracted	25 51:18	35:3,6 76:6
71:1	154:12	58:21 61:6,7	77:4 83:22
confused	contracting	62:1 65:1	162:7
52:19	60:15	73:25 74:1,	
		4,12,14	

course 20:4 38:3 43:22 51:23 141:4	cross 110:10 124:20 158:9,11	dad 32:21 33:5 114:5 142:14	127:24 129:16,18,19 131:17 132:16,20 134:5,8,15 147:18 158:19
court 6:24 7:9 15:18 84:18 128:25 155:6	Crossing 159:23	daily 59:13	daughter's 99:1,12 101:24 134:19
courtesy 7:25 96:22 129:3	crowd 158:4	Dallas 5:5 9:21 10:19,22 11:8 29:19 36:25 42:21 43:1,2,19 44:13 63:24 66:24 67:3 71:3 80:13 87:4 105:15, 16,23 114:9 122:15 149:4	David 14:12
courtroom 147:14	crushed 41:24		Dawn 5:2
cover 161:20	crutches 82:4		day 17:7 21:9 27:12 34:20 37:7,14,15, 20,24 40:18 58:5 62:9, 17,18 80:11 86:15 114:17 119:9 120:6 129:8,10 146:11 158:4
coverage 149:21	CSR 5:3		days 18:23 20:19 24:7 32:16 45:8 63:12 80:10 83:22 84:1
covered 161:20	cuff 35:3	damage 33:3,4 43:9 142:20	deal 6:10,13 16:20 22:8 35:17 36:15, 21 38:6 40:13 51:16 53:9,22 54:15 58:25 68:1,6,19,25 69:25 86:18 90:24 94:6 97:10,15 100:10 104:18 109:24 111:12
covering 93:15	cull 138:14,15 140:17,25	damages 144:12,14, 15,18,22 162:14	
COVID 31:1,3,5,8, 11,15 32:4	curb 99:25	Danielle 73:20 78:6	
coworker 113:9 117:13 123:20	current 9:7 18:6 53:4	dark 130:9 132:11	
cracked 109:17 143:1,6,13	custodian 68:16	date 8:7 18:23 19:7,9 24:4, 5 27:21 30:6 56:15 63:15 71:10 123:18 128:11	
cracks 143:22	cut 32:23,24 33:4 66:17 78:21 79:3 144:24	daughter 16:18,19,20 17:17 64:8 65:4,20,23 68:24 72:14 75:16,18 76:5 77:8,11 78:11 79:6 82:4,5,7,13 95:5 101:20 104:3 107:4, 11 108:10 126:12	
crash 36:23	cutter 32:24		
crazy 111:5	cutting 15:11		
crime 83:1,3 110:7,8,23 142:17,21 143:3	<hr/> D <hr/>		
criminal 108:8	D-11 163:5		
crocodiles 141:5,9,10 155:24	D.C. 9:2,4		
	DA 80:23		
	DA's 80:17		

112:22	deliveries	148:3,9,14	diagnosed
117:10,24	86:24	150:1,4	87:14 159:22
121:17	delivering	describe	165:11
123:12 127:1	24:11 86:22	18:18 26:4	diagnosis
129:5,21	delivery	133:4 144:3	28:9 31:22
143:19	91:14 105:1,	described	46:11,18
148:23	3 124:19	36:15	dial
158:22	125:8,11	describes	42:20
dealership	delta	70:16	dictate
156:17,18	19:17,18	describing	140:11
dealing	Demarge	41:23 67:17	die
27:5	14:9,12	84:8 93:20	101:19
December	demonstrative	94:3 113:17,	102:10
105:9	147:14	21 117:14	died
decide	denied	131:18	120:21
19:13	48:10,25	description	differences
decided	dentist	36:18 65:14	83:19
105:22	27:22	71:13 84:7	different
decides	denying	130:3,5,7	20:5,7 33:15
21:4	50:3	132:16,21	94:10 98:14
decline	department	134:5,6	115:3 120:7,
42:6	42:22,24	146:4 153:2	9 122:25
defend	43:3 66:24	deserve	123:7,9
77:3	67:4,5 68:11	22:6,9,16	124:22,24,25
defendants	71:3	designated	131:12 132:3
5:12 6:19	depended	93:11	135:11
66:24 162:11	63:10	destination	140:16
defender's	depending	24:19	146:16
79:20 80:23	62:18	detach	149:16
defending	depict	145:14	160:19,21
77:5	164:3	determination	difficult
defense	deposed	22:9 23:18	7:8 91:18
20:2	6:3	determine	133:2
defensive	deposition	31:13	difficulties
61:17	5:3 6:14,16	determined	15:21 16:10
defensively	17:10 53:16	23:7	35:23 57:5,
21:13	55:21 66:22	determining	11 58:11
definition	69:4 81:9	22:16	direction
19:19	93:19,22	device	39:23 101:21
degree	94:1 95:19	90:18	102:21 152:6
61:14	96:19 97:2	devices	directly
deliver	106:9 112:2,	90:1	159:13
105:5	18 116:1	diabetes	dis
125:11,24	121:1 128:12	47:14 87:8,	23:3
delivered	145:22 150:5	17,20 88:4	disability
91:16 105:6	depression	diagnose	34:17
115:5	87:10 147:1	25:24 46:24	

disagree 75:22	district 11:5,6,9	domestic 69:6 82:10	120:10
disagreement 65:17	92:4,6,10, 13,18 93:5	dominant 33:9	drive-thru 46:7,10,11
disapprove 75:8	115:9 126:13 142:22 155:8	door 79:6 81:14	driver 20:25 39:20
discharge 30:12 32:7	disturb 154:20	95:10,12 107:4,8,9	58:3,4,7,24 59:13 63:8
disclosures 158:24	diving 27:1	131:3,8	87:3 108:15 111:13
disconnect 24:15	dock 24:18 86:20, 24	dot 24:7,8	112:12 114:25
discovery 64:13 96:10 143:21	docs 163:1	41:17,25 42:3 60:16	135:9,22 137:13 150:20
discuss 36:7 84:14 96:7 144:22 160:25 161:1	doctor 25:11,12,17, 22 26:5,14 27:3 31:22 33:2 47:12, 13,15 48:19 50:1,6,11 51:20 89:15 148:14	dots 10:14	driver's 41:14 44:1 61:25 152:19
discussed 32:4 86:4 150:6	doctors' 34:11	double 21:18	drivers 21:14 24:16 33:17 40:14 55:25 56:3, 12,20,24 57:2,16,20 58:2 59:9 137:14 139:16 144:5
discussing 15:24 104:14	document 71:8	doubles 21:10,14 24:12 39:6 41:23	driveway 93:9
discussion 15:22	documents 68:10	downgrade 37:25 39:13	driving 11:18 21:9 38:18 53:13 58:20 59:7 61:17,20 62:24,25 63:17 87:16 91:8,11 105:10 114:25 118:20,21 120:1 134:22 146:12,21 153:12
disease 87:12,19 88:3	dog 151:6	downhill 41:10	
diseases 87:8	doing 7:5,12 20:24 23:22 39:25 55:20 61:23 62:4 84:20 104:25 106:16 112:14 116:1 131:10 154:21	downstairs 107:6 111:1 118:17	
dispatch 56:25	dollar 147:3,8 161:4	drafted 140:24	
dispute 65:18 73:8, 10 75:12 118:20	dolly 24:13,14,15	dreads 131:20 153:8	
disputing 76:15,21 77:20		dress 40:9	
disqualify 23:1,8		dressed 139:10	
distance 136:18,20		dressings 139:8	
distinction 51:13 74:13 144:17		drink 97:23 161:23	
		drive 33:18 38:2 42:13 63:3 87:3 92:4 94:16 105:4, 25 115:1,3,4 118:21	drop 126:12 dropped 77:15 105:20 126:16 157:7,14

dropping 105:13	Eats 111:7,13	159:14,18,20 161:17,19	emotional 111:24
drove 91:13 92:5 144:8	echo 14:13,14 15:9 117:6,9	162:3,25 163:8,11,15 165:13,20	employed 18:8,14 19:5 61:15 160:17
drugs 46:24	Eden 5:9,10 14:15 15:14,18,23	editing 124:23	employee 137:11
DTI 19:16 20:8, 24 21:2,7 23:13,24 24:23 25:4,9 55:24 56:5,8 57:3	16:11 35:12, 16,24 36:2, 4,12 40:4 56:5,11 57:12 58:14, 15 64:11,17, 20,22 66:8, 21 67:1,3,9, 12,16 68:1,2 69:3,10,15, 17 70:10,13 95:18,23 96:8,14,15 97:5,13,17 98:10,11 100:7 103:22 104:8,13 106:7 109:10 110:6,18 111:18 112:1,7,17, 22,23 113:7, 17 114:2,21 115:14 116:21 117:6,12 119:11,12, 18,23 120:24 121:5,10 123:14 124:18 125:14 126:5,11 127:4,7,12 128:22,23 130:2 131:1, 17 132:15 134:8 140:13,15, 21,23 158:25	education 13:8 14:8 Edward 54:20 EEOC 21:23 effort 24:19 efforts 24:15 eight 27:24 48:18 76:13 86:14 eight-minute 97:6,11 eighth 33:24 either 50:5 58:14 82:6 83:6 151:5 EKG 28:12 elbow 18:22 24:2, 10 26:19 29:9 31:9, 15,20 32:3 34:4,10 35:6 43:23 44:3,8 45:11 49:18 78:21 Electronic 165:23 ELMO 147:14 emergency 42:16,21 45:21 46:18, 25 47:3	employer 18:16,17 19:12,15 22:21 23:13 32:5 150:22 employment 60:7 emptied 99:23 empty 39:7,8 41:10,11 EMS 42:21 43:2 encountered 134:23 encountering 79:24 end 26:11 111:7 133:14 135:6 165:24 ended 58:12,16,17, 18,22 59:3,6 84:23 engineered 33:23 enjoy 158:2,3,4 enjoyment 158:15 enter 106:11 107:11 109:2 entered 106:19 entire 37:15 81:20, 23
<hr/>			
E			
<hr/>			
e-mail 67:18			
e-mailed 127:3			
earlier 89:19 104:16 114:17 125:4 145:22 150:5 151:20			
easier 140:24			
easy 33:13 158:5			
eat 46:9 60:21			

entirely	111:4 129:9	exists	Facetime
113:12	131:11	155:17	79:8,9
entitled	161:25	exit	facility
144:13	exactly	108:20	24:12 25:1,
entity	33:8 37:15,	exiting	2,16 28:25
68:10 149:19	16 62:22	74:24 152:5	facing
entrance	74:16 79:13	expect	102:16
94:19	82:24 88:10	69:11 115:5	153:13
equipment	99:10 100:14	expecting	fact
24:16 60:24	106:8 109:4	120:11	77:23 86:21
Eric	131:9 139:12	123:24	116:7 140:2
95:20 123:2	examination	expedited	147:13
escalate	5:8 10:5	144:21	fact-finding
107:15	27:17 28:11	experience	40:7
escalating	29:1,8 162:5	20:6 40:14	facts
79:17	examinations	106:2 150:20	6:17 10:12
Essay	28:16 29:5	explain	44:19,22,23
5:10 155:22	30:23 45:16	109:22	64:13 79:25
essentially	46:2	146:24	115:16
123:8	Excuse	explained	116:1,5,11
establish	30:18 45:15	135:2	122:23
110:20	81:19 102:4	explaining	123:10
111:14 125:7	exercising	118:17,18	162:14
establishing	144:6	explanation	factual
125:3	exhausting	51:9	151:25
Eve	10:15	extend	factually
105:8 158:3	exhibit	73:12 129:2	74:4,14
evening	66:22,25	extended	fade
91:4	67:23 69:4,9	73:2	131:25 153:8
events	71:1,2	extending	failed
123:10	95:19,22	96:22	144:6 157:7
151:15	96:9 104:10	extent	failing
everybody	110:2 111:15	28:22 29:9	139:23
53:14 157:6,	112:2,6,9,	external	failure
20	10,18	161:3	53:16,17
everyday	119:14,19	extra	85:19 138:13
58:4,7	120:25	24:15,19	fair
everyone	121:4,6	extremities	7:21,22
140:25	123:4,6	51:24	93:19,25
evidence	126:7,22	eyes	139:15
109:18	127:8,14	157:17	fairly
110:21	129:12 131:5		164:3
evidentiary	134:4,16		Fairmount
74:8	142:3		9:21 10:19
exact	159:17,19	face	17:22,25
10:9 27:18	164:10,11,	153:11	false
33:5 53:14	19,20		141:16

familiar 11:8 52:13 82:12 114:23 153:21	favorite 17:6 February 50:16 51:3 Federal 62:11 Fedex 21:16 24:11 feeder 38:8,11 feel 20:5 45:5 125:4 127:5 160:24 feeling 31:7 111:25 147:7 feels 74:9 133:4 feet 41:8 94:14 fell 106:23 felt 44:15 female 26:14 field 102:19 fight 155:21 fight 89:12 figure 27:15 75:10 118:24 136:19 file 21:22 52:7 54:25 70:5 79:25 80:15, 18,20,24 81:1 163:14 filed 22:1 55:2 files 163:2	filing 84:18 filled 59:12 film 124:23 films 131:10 final 151:13 financial 51:17 find 22:5 59:23 80:17,23 105:5,21 109:15 146:16 163:11 finding 91:17 fine 94:5 finish 7:24 8:1 96:21 129:1 finished 12:19 25:13 32:8 46:1 finishing 75:10 finna 73:5 fire 22:24 42:24 43:2 142:20 firearm 100:13 fired 20:1 58:21 59:2 100:15 127:17 136:14 fireworks 158:3 firing 59:11	firm 20:3 52:11 112:25 149:17 150:12 first 5:7 6:14 18:22 26:7 39:10,13,15 41:2 61:19 86:11 92:23 94:18 101:18 102:6 118:14 122:25 123:17,20 128:20 134:2 136:13 137:2 144:2 150:17 151:14 fish 156:4 five 9:23 35:14 76:12 85:7 five-minute 161:12 flabbergasted 124:2 flabbergastin g 151:16 flashback 158:7 flatbeds 158:14 flights 106:25 floor 77:15 102:6, 7,21 134:22 153:13 Florida 17:9,11 25:1 flow 37:22 Fluoxetine 148:12,15
---	--	--	---

fob	18 113:2	102:15	fussing
108:24,25	121:1 122:20	103:15	96:25 97:3
focused	123:3,5	106:15,19	future
51:18	124:24	four-door	51:3 127:5
folder	127:8,13	38:22	
163:1,2,8	129:13 131:4	four-wheeler	
folks	134:17	41:9	G
18:14 21:2,	143:21	fractures	G80
5,6,11,13	151:10	28:22,25	91:9 92:7,9
30:11 53:10,	football	fracturing	93:4 94:20
13 54:18	133:3,14	84:23	98:24 99:17,
96:10 100:20	158:2	frame	20,22 104:16
122:19	force	34:8,9	game
147:14	84:12	118:17 160:2	155:17
153:23	forces	frank	160:22
154:13	42:8	10:23 154:5	games
155:21	forearm	freely	158:2
folks'	73:2,12	147:12	garage
131:12,14	form	freezes	98:23,24
follow	64:19	15:20	99:1,2,4,5,
26:16 27:20	formally	freight	6,10,20,21,
28:5,8,10	93:22	24:11,18	22 100:2
30:12 46:12,	formed	115:5	109:1 121:23
14 47:4,16	60:3	friend	126:15,17,18
follow-	Fort	115:18	127:19,25
appointment	24:12	friendly	128:15
32:14	forth	128:23	Garland
follow-up	57:24 72:22	frightened	9:8 14:23
28:2 31:1,3,	135:24	45:5 107:3	25:21,23
11 47:12	forward	front	26:5 29:18
89:18	41:12 42:4	79:6 93:1,2,	30:7 56:25
followed	43:14,24	8 94:7,11,15	Gary
31:4	44:2 48:5	100:2,12	29:17 47:5
following	77:3 98:1	117:16	149:8
71:18 116:17	104:14	118:3,5,7,12	gas
117:17	109:12	121:22	33:19
129:24	126:22	129:17 133:9	gate
145:21	130:15	136:14,15	92:21 93:2,
follows	144:23	frustration	8,9 94:7,11,
5:7	found	111:25	19,21
food	22:21 23:2	full	108:21,22,23
110:6,8,10,	28:18 53:12	8:4 97:18	109:1 115:8
23,25 111:3	54:8 83:13	functioning	134:24
124:21	142:17	89:24	135:1,2,10
125:11,25	four	functions	136:6,9
footage	60:6 85:7	59:13	153:13
95:20 112:3,	100:15,16		

gates 150:17	girlfriend's 141:4	46:4,19,21 48:19,23	159:4,7 161:14
gave 24:15,19 26:13 27:6 30:11,19 45:20 78:12 116:11 135:6 156:11,14	give 6:11,17,24 7:6,10 19:23 38:2 45:22 46:21 65:14, 25 76:4 78:9 84:7 87:21 101:11 116:1,2,5 130:5,7 133:1 138:10 139:6,11 140:4 147:15,24 148:16 152:17 153:2 154:19 156:17	50:1,7 61:21 62:16 65:20, 22,24 67:21 69:15 71:1 73:5,13 77:11 79:7, 14,22 82:4, 5,6,7,13 84:18 89:3 90:18 91:15 96:16 97:5 100:4,22 101:4,23,24 102:5,9 103:1,4,18 105:25 106:3,14 109:5,24 110:2 112:7, 17 113:24 114:18 115:12 116:1,2,4,5, 12,13,15,17 118:22,23 119:12,13,18 120:8,17 123:22 124:15 126:7 127:5,7,21 128:17,18 129:6 130:14,22 131:15 132:4,5,12, 23,25 133:17 134:3,25 135:9 140:10 141:16 144:21 145:3,4,6 146:10 148:13,21 151:14 153:9 154:7,11,15, 17 155:13 156:3 158:4	163:15,16 165:1 gold 56:4 golf 141:3 good 5:10 6:10, 13,21 7:23 16:20 22:8 31:14 32:25 33:11 35:17, 19 36:15,21 38:6 40:13 44:5 47:10 50:20 51:16 53:9,22 54:15 58:25 65:13 67:25 68:1,6,19,25 69:25 70:1 82:15 85:18 86:18 90:24 94:6 97:10, 15 100:10,21 104:18 109:24 112:22 117:10,24 121:17 122:6,15 123:12 127:1 129:5,9,21 133:8,12 136:22 140:15,19,20 141:3 143:19 148:23 158:22 161:15 goodness 123:15 goofed 74:15 gosh 54:23 113:13
general 13:15,16 146:9,10			
generally 146:2			
generating 18:14			
generation 134:1			
Genesis 91:9 92:7,9 93:3 94:20 98:24 99:6, 9,17,20 104:16			
George 14:14			
Georgia 11:25 12:1, 3,4,12,15			
getting 24:17 31:4 49:13 61:18 75:25 99:9 103:2 118:17,19 119:25 125:2,20 127:19			
girl 70:25 145:4 155:20			
girlfriend 20:1,4 70:17,22 89:3 129:11 145:9			
	giving 98:2 115:14 118:11 130:20 132:18 139:5 143:11 157:9		
	glass 109:17		
	God 39:7 41:11 79:23 102:13 107:19 128:11 147:21,22		
	goes 33:1 74:21 76:17 77:13 78:3		
	going 6:14 7:20 19:3 24:18 27:3,22,23 30:17 31:6 33:10 34:17 37:24 39:23 40:2 41:4,10 42:5,8 44:16,20,24		

gotcha 44:17	gunfire 128:16	handed 152:19	75:1,2,3
grab 74:25 154:22	gunshot 107:7 108:16	hands 73:17 137:1	76:8,18,19, 23,25 77:14, 16,17,18
grabbed 44:3 75:2 81:22	136:2	hanging 107:2 131:23	78:4,5,6,19 93:23 96:15 97:8,13,17
grade 90:10	guy 42:10 101:7 102:8 110:11	happen 38:6 52:8 85:4 148:4 151:7	100:7 103:22 104:13 106:9 110:6 112:3 113:7,17
graduate 12:21,23	114:8,11,14 116:7 135:10,21,22	happened 6:20 18:21 24:9,21 26:25 52:21	114:2 115:14 116:21 117:8,12 121:7,10
graduated 12:2,5	152:16 153:10 159:5 161:22	65:19 71:14 99:10 116:6 117:3 120:2	122:2 123:14 126:11,23 127:9,12
gray 130:9 132:25	guys 16:5,11,14 17:24 21:24	121:13 124:6 146:14,25 151:18	128:24 130:2 131:1 132:15 138:24
great 7:5,12 147:4 161:22	36:2 37:17 38:4 54:9 64:11 104:14	156:22 159:10	139:19 140:23 151:9 161:19 162:7,17
green 30:19	108:12,14 119:25 149:20	happening 130:16	Hardrick's 15:14 66:22 69:4 73:3,20 76:9,11 95:19 121:1
grew 115:16		hard 41:17 113:13 129:10 145:18	hatchback 38:21
grip 76:12 100:21		146:19,22,24 147:8,24 157:17 161:7 162:17	haul 63:18 104:20 105:12 112:14
grocery 32:22	grocery 32:22	Hardrick 5:6 8:6 15:7,19,25 35:10,13	head 39:21 44:10 45:3 78:20 85:4 102:11 143:2
ground 6:14 96:20 109:23	hair 144:24 153:7,10	36:4 52:25 56:21 57:6, 12 63:25 64:22 66:2, 12 67:17 68:2 69:10, 18 70:13 71:2,23,24 72:9,10,24, 25 73:2,4,6, 16,18,19 74:22,23,25	Headquarters 24:25 heads 7:7 healed 48:18 51:7 160:22
guess 21:12 28:7 44:20 59:4 61:1 69:20 71:11 87:21 112:9 117:15	hairstyle 145:6 hairline 132:7 half 74:14 halfway 106:23 107:1		
guessing 10:6 30:11 61:4,8 83:1 89:19 100:18 107:16 149:14	hall 101:16 106:20 hallway 106:17,25 107:1 hand 32:23,24 33:9		
guilty 83:9,13			
gun 100:22 127:22 137:1			

Health	help	hole	13,14,19
30:2 31:7,19	27:7 47:1	141:4	94:2,7,11,
32:1,9 34:3	128:25	holes	17,20,22
47:17,23	140:25 163:7	142:19	95:12 135:25
49:12 149:3,	hey	holiday	136:2 141:4
7 160:5	23:14 25:25	63:20 91:15,	household
healthcare	37:16 55:12	17	33:6
29:4 149:15	59:11 64:17	holidays	housing
hear	68:14 70:24	105:18,19	93:6
35:15,16,18	74:10 141:10	Holliman	Houston
36:11,12	hide	121:19	27:2 37:13
41:8,13	116:3	122:17	38:8 54:11
56:9,21	high	143:10,14,19	86:21 87:2
57:7,9 58:16	12:2,4,5,18,	home	105:14
70:10,14	19,23 13:6,8	57:14 101:25	Hubbard
97:8,18	26:24	102:1,2,18	15:13 36:1,
100:8 113:5	highway	105:7,8	11 56:9
115:3,25	19:4 21:16	111:6 121:21	64:15,17,21
122:21	37:1 38:8,13	homework	66:5 67:2,6,
132:16,18	39:25 115:5	153:18	10,15,25
134:11	116:9	honest	69:8,14,16
155:22	highways	162:13	74:9 96:8,12
heard	18:24	hoodie	112:21 121:3
24:20 40:25	hill	130:9 131:23	127:2
54:17 64:25	37:25 39:13,	137:6,18	140:13,20
82:1 106:13	24 40:1 41:5	138:7 140:8	158:23
107:6 108:16	42:5,6,8	hoodies	161:15 162:6
134:12 136:2	hire	158:5	163:1,3,6,7,
151:8	52:7	hoping	10,13,18,22
hearing	hired	95:23	164:9,12,14,
16:9 117:6,9	154:12,13	hospital	18,21
hears	157:12	27:1 43:16,	165:15,18,
165:7	Hispanic	18 90:4,6	21,23
hearsay	123:3	hot-shotter	huge
155:16	history	60:3	33:23 155:21
heart	80:1,3 89:9	hot-shotters	huh-uh
145:19	hit	21:2,6	7:8
heat	38:15 40:20	hour	human
33:14 46:22	41:5,17	19:3,8 36:16	33:23
heavy	127:6 136:3	37:8,11,12,	hunker
130:17	hitting	21 38:3	108:13
height	77:5	111:6 115:4	hurdles
132:24	hold	hours	74:8
Hello	61:25 77:16	62:5,16,23	hurt
104:7 109:9	83:25 107:2	86:15 113:1	18:15 26:25
142:10	115:22	house	42:17 43:22
		72:23 93:11,	44:8 45:1,2
			48:1 55:12

hurting 45:7	images 157:18	146:2,4 148:2 158:1	information 115:15 116:2
hurts 45:6	immediately 102:20	164:4 165:2, 12	148:17 158:20
hypertension 6:7 47:15 87:9,10,18, 19,20,24 88:4,12	117:17 128:15 impact 39:11,16 41:3,13	incidents 67:13 120:1 includes 104:18 income 18:15 33:5	infractions 77:21 ingenuity 33:23 initial 26:6,9,10 28:14 29:14 45:6 158:24
hypervigilant 165:8	impacted 145:21 impaired 34:18	inconsistenci es 98:15 inconvenient 111:12	initially 61:19 injure 44:9 86:18
<hr/> I <hr/>	impeding 76:10 implanted 90:1	incorporated 60:4 independent 60:18 Indian-based 149:9 Indiana 24:25 25:1	injured 18:9,11 25:14,16 32:17 34:13 43:4,23 44:7 45:9 51:6 86:11
I-20 37:25 38:4, 10 39:23	important 27:16 improving 28:8 in-cab 41:7	Indianapolis 25:1 indicate 137:3 indicating 137:10 indictment 83:6	injuries 20:22 23:23 26:20 31:20 34:9,14,19, 23 35:21 36:5 43:15 47:21 48:8, 12 50:8 79:2
Ibuprofen 26:22	inaccurate 76:2 incarcerated 83:21,24,25 incarceration 83:20 84:2	indie 131:10 individual 38:14 113:20 117:15 118:2,14,15 121:18 industrial 28:1 industry 21:12 62:7 68:7 inflamed 46:21 inflammation 46:22	injury 18:18 20:19 29:12 31:9, 15 32:3 34:1,7 35:8 40:8 48:11 52:3 85:13, 20 86:3,7
ice 46:22	in-cab 41:7 in-person 55:19 inaccurate 76:2 incarcerated 83:21,24,25 incarceration 83:20 84:2	indie 131:10 individual 38:14 113:20 117:15 118:2,14,15 121:18 industrial 28:1 industry 21:12 62:7 68:7 inflamed 46:21 inflammation 46:22	injury 18:18 20:19 29:12 31:9, 15 32:3 34:1,7 35:8 40:8 48:11 52:3 85:13, 20 86:3,7
idea 20:6 113:10	in-cab 41:7 in-person 55:19 inaccurate 76:2 incarcerated 83:21,24,25 incarceration 83:20 84:2	indie 131:10 individual 38:14 113:20 117:15 118:2,14,15 121:18 industrial 28:1 industry 21:12 62:7 68:7 inflamed 46:21 inflammation 46:22	injury 18:18 20:19 29:12 31:9, 15 32:3 34:1,7 35:8 40:8 48:11 52:3 85:13, 20 86:3,7
identified 121:18	in-cab 41:7 in-person 55:19 inaccurate 76:2 incarcerated 83:21,24,25 incarceration 83:20 84:2	indie 131:10 individual 38:14 113:20 117:15 118:2,14,15 121:18 industrial 28:1 industry 21:12 62:7 68:7 inflamed 46:21 inflammation 46:22	injury 18:18 20:19 29:12 31:9, 15 32:3 34:1,7 35:8 40:8 48:11 52:3 85:13, 20 86:3,7
identity 158:17,20	in-cab 41:7 in-person 55:19 inaccurate 76:2 incarcerated 83:21,24,25 incarceration 83:20 84:2	indie 131:10 individual 38:14 113:20 117:15 118:2,14,15 121:18 industrial 28:1 industry 21:12 62:7 68:7 inflamed 46:21 inflammation 46:22	injury 18:18 20:19 29:12 31:9, 15 32:3 34:1,7 35:8 40:8 48:11 52:3 85:13, 20 86:3,7
igloo 10:23 19:18, 20	in-cab 41:7 in-person 55:19 inaccurate 76:2 incarcerated 83:21,24,25 incarceration 83:20 84:2	indie 131:10 individual 38:14 113:20 117:15 118:2,14,15 121:18 industrial 28:1 industry 21:12 62:7 68:7 inflamed 46:21 inflammation 46:22	injury 18:18 20:19 29:12 31:9, 15 32:3 34:1,7 35:8 40:8 48:11 52:3 85:13, 20 86:3,7
II 6:6 87:14, 15,17 88:12	in-cab 41:7 in-person 55:19 inaccurate 76:2 incarcerated 83:21,24,25 incarceration 83:20 84:2	indie 131:10 individual 38:14 113:20 117:15 118:2,14,15 121:18 industrial 28:1 industry 21:12 62:7 68:7 inflamed 46:21 inflammation 46:22	injury 18:18 20:19 29:12 31:9, 15 32:3 34:1,7 35:8 40:8 48:11 52:3 85:13, 20 86:3,7
ill 57:4,8	in-cab 41:7 in-person 55:19 inaccurate 76:2 incarcerated 83:21,24,25 incarceration 83:20 84:2	indie 131:10 individual 38:14 113:20 117:15 118:2,14,15 121:18 industrial 28:1 industry 21:12 62:7 68:7 inflamed 46:21 inflammation 46:22	injury 18:18 20:19 29:12 31:9, 15 32:3 34:1,7 35:8 40:8 48:11 52:3 85:13, 20 86:3,7
Illinois 8:9,13,16, 18,20,24 9:4 11:14,20 13:3,4,5 84:1,3 85:1, 2 91:4,5,10, 13 104:20,23 105:6,12,23 115:17 122:8	in-cab 41:7 in-person 55:19 inaccurate 76:2 incarcerated 83:21,24,25 incarceration 83:20 84:2	indie 131:10 individual 38:14 113:20 117:15 118:2,14,15 121:18 industrial 28:1 industry 21:12 62:7 68:7 inflamed 46:21 inflammation 46:22	injury 18:18 20:19 29:12 31:9, 15 32:3 34:1,7 35:8 40:8 48:11 52:3 85:13, 20 86:3,7
image 129:17	in-cab 41:7 in-person 55:19 inaccurate 76:2 incarcerated 83:21,24,25 incarceration 83:20 84:2	indie 131:10 individual 38:14 113:20 117:15 118:2,14,15 121:18 industrial 28:1 industry 21:12 62:7 68:7 inflamed 46:21 inflammation 46:22	injury 18:18 20:19 29:12 31:9, 15 32:3 34:1,7 35:8 40:8 48:11 52:3 85:13, 20 86:3,7

instruct 27:20	Invisalign 27:25 28:1	61:10,12 63:8	71:24 72:9 73:2,17,19
instruction 53:7	involuntarily 19:12,23	Jean-mario 112:4,19	75:2 76:18, 24 77:16
instructions 30:12 32:8 46:13,22	58:9 61:5	131:4	78:5
instructs 7:14	Involuntary 19:14	jeans 130:12	Jr.'s 73:18
insurance 20:2 52:5 55:6 70:4 149:21,24	Iowa 9:6 11:15, 16,19 62:4	Jeep 99:13,14,19 103:23,25 104:1	July 31:2
interacting 46:23	island 129:16	job 7:5,12 20:1, 8 21:25	jump 33:18 146:20
internal 51:25	issue 15:11	23:22 32:18 41:18 43:9 48:15 56:23, 25 58:19 59:8,17,20, 23 60:13	jumped 85:7 91:6
interrogatori es 162:11	issued 71:9	63:18 69:21 86:13	jumping 64:13 81:16
interrupt 52:25	issues 64:10	J	jurors 17:3
interrupting 53:1	jail 65:22,23 75:18 77:12 82:11,13	jobs 61:15	jury 149:25
intersection 38:7	Jameis 17:8	John 12:19,20,23	K
interstate 37:1	jammed 111:11	join 57:3	Kansas 13:11,17
intervene 82:2	January 5:19,25 6:20 56:8,13,18 63:14 67:12 70:21 87:13 88:1,4,21,24 89:10,12,16 90:4,7,16,25 98:13 105:9 123:18 124:3 142:23 145:21,24,25 150:2 165:6	Josh 114:22	Keel 5:12 139:16, 21 150:10, 12,13,15 151:1 152:1 157:4 164:1
intervened 78:6		Joshua 112:11 113:18 114:10 115:8,15,16 118:1,3,10, 13 119:4 123:19 134:21 135:4,5,18 151:11 152:8,9 153:4	keep 17:4 32:18 33:9 67:21 77:7 87:21 97:25 106:3 109:5 113:24 114:18 115:12 124:15 129:11 134:3
interventiona l 50:7			Kelsey- seybold 27:2
interview 71:13	jarring 18:2	Joshua's 135:1	key 108:24,25
investigate 36:22	JCTL 56:19 59:14, 18,25 60:4,8	Jr 5:6 8:6	keys 73:20 74:5,
investigating 98:7 142:16 152:25			
investigation 22:20			
investigation s 125:16			

24,25 101:20	knot	15,20,24	Lancaster
126:12,16,20	78:19 79:3	141:11,20	25:2,4
kidneys	know	142:7 143:7,	lane
87:22	5:20 7:3,17	23,24 144:3	38:10,11,23,
kids	10:7,13	145:23,24	25 39:1,3
16:11,14	12:10 15:11	146:10,19,	lanes
kill	17:3 19:20	23,24,25	40:15
60:22 95:11	24:4,23	147:2,7,10,	Langston
107:5	27:15 29:8,	18,20 148:4	13:18,20
128:13,17	21 36:7	150:22	14:1,5
killed	37:18 38:2,	151:1,10,14,	law
102:2	14,18,20	18,20,22	10:15 20:3
107:20,22	39:20,21,22	152:23	52:10 68:9
128:14	40:9 41:5,7	154:5,11,16,	82:11 112:25
147:24	42:13,18	18,19,21,23,	149:17,18
kind	43:10,11,22,	25 155:1,16	150:12
46:8,10	24 44:17	156:19	lawsuit
60:22 68:16	45:4 46:6,17	157:19	5:24 9:17,
75:11 84:12	48:5,9,15,21	158:6,11	20,25 17:14,
87:20 96:19	51:24 52:2,	160:14 161:5	22 52:7
100:12,21,23	20 53:20,23	162:17 163:3	54:25 55:2
102:16	61:24 63:19	knowing	62:22 63:16
105:18	64:17 65:19	53:23 81:1	84:14,21
106:12 109:2	66:6,8 68:3	98:12 116:7	144:1,13,16
110:21	71:11 74:11	124:2,9	146:1 150:11
111:19	78:13 79:1	147:1	158:20 164:4
122:18	80:21 81:17	knowledge	165:12,16
124:25	82:3,23	10:11 40:24	lawsuits
131:9,19	83:17 85:8	known	144:12
145:21	88:18,20	154:6	lawyer
146:19 147:8	89:24 93:13		20:2 52:7,11
148:13	95:13 99:3		53:10 54:23
161:20 162:1	101:14 103:3	L	147:13
kitchen	104:18		lawyers
73:21 129:16	105:13,17	label	101:12
knee	107:6 108:8	78:17	lay
82:3	110:25	labeled	151:13
knees	111:13 113:7	71:16	lead
106:23	114:22	labrum	83:20
knew	118:25	26:1	leading
40:21 79:13	119:10	lady	101:12
156:13 159:3	121:19,20,	18:23 19:8	165:13
knife	22,25 124:6	26:14 36:16	lean
89:9	127:4 130:18	38:17 40:1	114:4
knocked	132:5 133:5	42:11 52:4	learn
131:2,8	135:9,17,18	110:9 121:11	87:23
	137:25	124:19	122:13,15
	138:3,4,8,	125:8,11,24	
	11,21 139:9,	129:17	

learned 122:7	5	list 34:24	LLC 60:5,6
learning 115:1 118:21	letting 23:16 77:6	listen 120:15	load 60:16,21,23, 25 61:2
leave 11:22,24 12:15 20:12 57:2 58:1	leukemia 88:8	listening 126:25	63:10 91:15, 17 105:5,6, 18,20,21
leaving 19:11 24:16 108:16	liability 40:10 55:9 144:3,6,10, 18	literally 48:20 80:25 91:19	loaded 42:1
led 23:20,21 24:9 79:19	license 61:25 152:19	litigation 27:15 108:6 149:18,20	loads 60:24 62:19 66:1 105:20, 22
Lee 8:6 71:23 72:8,25 73:2,16,18, 19 74:22 75:1,2 76:8, 18,23 77:16 78:5	lie 103:1 116:12 155:13	little 6:22 15:19 23:6 26:25 33:4 71:12 83:18 91:23 98:13 100:24 109:12 116:15 121:11 122:10 132:24 133:4 134:1 140:19 142:12 144:21 156:7 161:11,16	locate 124:3
leery 135:22	life 8:20,22 27:15 79:22 146:10,24 147:22 157:16 158:15 161:9	locked 30:6	located 5:5 25:20 100:12
left 11:25 15:23 43:25 76:19, 25 77:22 78:20,21 86:20,24 94:25 99:7 101:16 127:15 128:15 151:4 152:4 161:11	lift 28:8	locks 43:25	log 69:5 70:5
leg 86:19	light 30:19 32:12, 18 86:14 144:9	live 8:17,24 11:19 13:3 14:22,25 16:22 17:13, 16,20 33:12 37:13 102:5 107:1 129:7 147:19	Logan 148:7,10,20, 24 149:2,13 160:9
legal 68:7 74:8 83:19 154:21	Likewise 162:4	lived 8:9,20 9:1, 23 13:3 129:7	Logistics 86:12
leggings 71:24 72:5	limit 37:23	lives 16:23	long 13:20 56:5, 20 59:14 60:10 87:5 88:22 105:2, 11 108:1 123:23
lens 110:13 131:12,14	limited 28:21 45:22 67:13	living 9:16,19 15:24 17:24 57:15,21,23 146:19 147:2	longer 59:9 66:10 131:21 144:20 145:10 146:1 157:25
letter 23:19 157:1,	line 67:22		look 18:3 21:24 23:14 25:25
	linebacker 152:14		
	lineman 133:13		
	lines 67:22		
	lingo 24:13		
	link 112:8		

54:9 96:3,4	27:6 105:19	make	127:4 130:17
103:2 116:3,	lower	6:25 25:8	145:18
4 133:13,14	71:12	46:25 47:13	155:24
134:20	loyal	51:14 53:1	manage
136:6,9,22	132:4	55:3 60:19	27:7,10
137:25 138:5	lucky	66:3 79:18	management
139:24,25	133:25	86:2,4 89:23	51:1,20
looked	lumbar	98:24,25	155:5,9
40:22 130:5,	51:25	99:11,22	manager
8 136:25	lymphoma	101:25 102:1	154:25
152:13	88:8	116:3,4	March
looking		122:24	64:6 65:1
40:16 59:4,5		124:22	67:17 70:21
94:25 109:18	M	128:16	71:9,11,21
117:3 127:20		138:17	72:3,4 82:18
134:24,25	made	139:4,20	mark
137:2 138:3	9:17,20,24	144:14,18	34:24 66:21
139:6 141:6	17:14,21	146:21	69:3 78:22
142:25	22:8 62:22	150:19,22	95:18 97:6,
152:18 156:7	71:17 79:10	160:15	11 104:11
160:22 165:8	80:12 85:13,	162:16 163:4	111:16
looks	20 100:25	makes	112:2,9,17,
54:14,18	120:16	7:8 40:4,6	24 113:14
114:5 158:8	125:15	60:20 67:24	116:14
165:5	142:15	86:5 100:4	119:15
lost	150:24 164:4	111:4 122:17	120:25 121:6
35:13 104:8,	165:12	126:21	126:22 128:4
9	magic	128:12	129:14
lot	132:8	131:12	130:15
10:15 15:20	magnify	making	134:4,16
18:3 21:13	28:23	86:6,7 105:1	145:16
27:5 33:16,	mail	114:12 123:7	159:16,19
17 44:18	22:13,14	125:10,18	164:9,18
45:21 63:2	93:6,11,13,	154:6	marked
93:4 99:3	14,19,21	malfeasance	66:25 69:9
101:23 122:2	94:2,4,6,11,	74:19	95:22 96:9
123:23	17,20,22	malfunctioned	112:6 121:4
130:16,17	95:1	24:14	123:3,6
135:10	mailbox	malfunctionin	131:5 142:3
142:22 144:4	127:23	g	164:11,20
148:1 151:5	mailboxes	24:20	marker
152:20	93:14,16	man	109:13 110:3
156:10	94:3	32:19 33:1,	119:19 125:8
158:14 159:7	maintain	2,11,16	126:6 127:8
loud	61:24 77:16	55:12 59:11	marriage
154:5 165:7	96:23	70:24 74:10	18:6 146:17
low	majority	111:20	160:13,14
15:15,19	54:18	122:4,8	

married 16:5 18:5	Meaning 78:15	messed 55:12 66:16 145:12	misconduct 22:22 23:1
Marshall 12:19,20,23	means 5:4 21:18 115:4	met 5:16	misreading 74:18
Martha 160:12	meant 44:6 103:4	Methodist 43:19 44:12 47:18,22	missed 24:5 77:19 133:25 134:3
Mary 10:24 13:10 14:13	mechanism 40:8	Miaya 121:19 122:16 143:9,14,19	mission 40:7
Mary's 13:12,17	media 69:25 163:4	microcomputer 14:19,20	Missouri 8:14,15,17 13:2
matter 86:21 140:16	medical 11:5,6,9 29:25 34:13 48:16 51:17, 18 68:11 87:9 88:10, 11 90:1 92:4,6,10, 13,18 93:5 115:9 126:13 142:22 155:8 164:16	microphone 117:7	model 99:11
mattress 86:25	medication 6:5,6 26:18, 21 27:7,10 32:13 46:16 66:12 87:20, 21	middle 81:14 93:6,7 106:16 136:21	mom 32:24
mattresses 86:22,23	medicines 27:19	midway 93:8 94:9	moment 26:3 48:10 96:5 111:21, 25 114:3,7 120:16,20,22
Mayfield 17:7	medium 153:10	mile 61:2	moments 15:20 39:17 44:17 80:5,6 120:3 129:6
MC 60:17	meet 110:25	miles 92:3 115:4	money 85:17 147:5, 7
mean 17:4 18:13 21:14,22 29:7 37:3, 18,21 41:3, 15 52:25 58:19 62:18 78:11,25 82:4 83:22 85:3,6,10 93:22 100:19 101:15 104:9 105:5 106:7 108:8 111:13 113:11 114:21 115:22 116:25 117:19 119:7 122:21 129:16 130:7,18 132:5 133:5, 21 141:12 147:18,21 151:10,14 153:19	memo 157:5	military 87:6	months 80:18,20,22 81:1
	mention 82:1	mind 45:9 118:22 120:12,17 124:4,8,11 145:2 151:15	morning 5:10 37:12 72:3
	merge 38:12	minimize 69:16	mother 80:5
	merged 31:12	minute 104:11 113:1 126:6 149:7 159:12	motion 28:20 44:2
	merging 38:10,11	minutes 17:10 35:14, 25 39:17 126:6 127:14	motor 62:11 129:8
	messages 23:21	miracle 40:19 41:20	mountain 69:20 120:8
		mirror 40:16	mouth 129:8,11 159:13
			move 10:18 11:11,

13,16,19	148:4 152:7,	neighbor	normal
41:12 42:2	9	135:13,14	6:6 147:10
67:19 94:21	named	151:8	notarized
97:25 99:5	150:10	neighbors	68:16
moved	Nancy	120:15	note
8:17 11:15	10:25 15:8,9	121:20	32:6
86:11 98:22,	National	147:20	notes
25 101:24	5:13	nerve	69:23 82:17
movement	Native	33:4	95:24 126:23
97:7 127:24	30:2 31:7,19	nervous	127:3 160:1,
movements	32:1,9 34:2	52:1	3 161:12
42:18	47:17,23	neuro	notice
moving	149:3,7	51:23,24	39:10,11
8:9,21,22	160:4	neurosurgeon	92:19 109:14
98:23 99:21	natural	51:3,20	noticed
124:9 144:23	7:6 102:17	never	39:13,15,17,
MRI	nature	21:11 23:19	19 41:2
28:12,24	21:1 40:8	54:17 81:22	81:11 92:25
MRIS	52:1	83:8,10 90:5	94:18
27:3	neck	120:6 137:13	nuance
multiple	44:3,9,11	145:2,18	83:19
24:25 34:11	45:2,7 48:1	151:10	number
122:24	50:15,19,22	NFL	52:19 60:17
131:11	51:22,25	140:6	152:17
muscle	77:17 78:21	nice	158:24
27:5,9,11	need	133:4	nurse
mute	7:17 10:13	night	30:21 31:18
16:8	11:25 27:25	25:13 63:23	
mutual	33:3 34:17	66:14 90:3	
94:2	35:24 47:1	157:18	O
mystery	50:7 55:12	nine	O-L-L-E-N-W-
124:23	66:5,9,12	80:18,19,22	E-I-D-E-R
	70:2 72:17	81:1	29:22
	90:18 96:3,7	ninth	oath
N	97:20,22	33:24	6:23 82:23
	103:14 145:5	no-fault	155:13
name	165:21	20:20	object
5:2,10 8:4	needed	nod	64:19 89:10
10:21 11:4	28:10 32:10	7:7	objection
15:6 16:20	58:3,4,6,7,	noise	67:18,20
25:17 38:14	24 79:23	165:7	96:12 98:10
52:10,11	104:19	nonfeasance	112:21
53:24 65:8	161:20	74:19	119:11
99:18 114:10	needing	nonresponsive	120:24 121:3
115:15	51:12 96:4	98:10 119:11	128:22
121:20,25	negligently	120:24	165:13
122:16	154:13	128:22	
123:16 138:7			

objections	119:21 121:2	66:7,12,13,	13:3,6
64:19 67:1	122:25	19 69:15	16:23,24,25
69:7 96:9	123:2,3,4,	70:6 71:2,18	17:4 57:15,
112:20 121:2	15,16,21	75:9,13	16,19,20,22,
objective	124:19	76:7,17	24 72:10,14,
79:2 110:21	125:6,10,18,	81:4,7,25	17
observed	23 127:9	82:16,21	Olive
78:18	129:23	88:6,11	133:17,19,23
obstructed	130:21	90:3,21	once
94:12	131:2,3,4	93:18 94:1	75:9 91:11
occupying	134:15,17	96:1,6,15,	111:11
39:1	135:7,19	22,25 97:15,	127:18
occurred	136:16	20 98:2	154:16
5:25 11:2	143:2,12	100:5 101:5,	one
36:18 39:2	151:8 152:19	14 103:20	8:1 15:11
63:15 71:10	officer's	104:5 106:4,	16:15 18:19,
76:15 77:24	71:13 73:9	13 109:6,7,	22 21:17
88:14,15	125:16	11,21 110:3,	37:3,13
90:25 118:1	officers	4 112:13,17	54:19 56:7,
119:24	78:16,17	113:15,20,24	22 59:1
October	84:23 85:7	115:12	60:2,7 63:1
34:22 47:7,	98:7 109:14	116:10,13,18	66:10 77:21,
9,11,17	110:1 113:22	117:1,3,10,	22 81:4,13
48:17,20	121:12,16	24 119:15	83:19 88:17
octopus	122:17,18	120:5 121:6	96:20 101:1
9:13 10:24	123:17	125:22	122:17 123:4
15:8	139:10	126:8,9	131:10 132:5
offended	141:24	127:9 129:3,	135:18
111:19	142:16	4,11,24,25	137:16,22
offered	143:1,20	130:19,22	138:16
147:6	152:24	131:22	139:13,25
offhand	official	132:13	143:1 147:25
81:5,6	20:3 21:6	136:24	150:7 152:23
office	oil	137:21 139:9	154:7 159:2,
33:13 34:21	33:19	141:1,15,17,	21 163:5
79:21 80:17,	okay	18,23 142:2,	164:14
19,23 86:14	7:9,11,15	7,13 143:18	ones
111:6	8:2,3 10:3,	144:23	28:12 30:24
153:20,21,25	8,9,17 12:9	145:1,8	86:3 149:20,
154:4	17:2,12	146:9 148:1,	22
officer	27:13,18	18 149:2	open
68:11 78:1	28:5 29:20	150:5,8,9	6:24 52:3
95:20 98:3,	35:16,20,22	153:15,16	101:22
16,20 109:19	36:14 38:14	154:2 156:1	102:19
112:4,19	45:24,25	160:7 161:11	108:23
113:8 115:19	49:7 52:10	162:9,19	112:8,16
118:10	53:6,20	163:3,13	162:24,25
	64:21 65:3	Oklahoma	
		9:1,3 12:20	

opened 95:12 98:22 131:3	Osman 159:14,16 160:4 164:21 165:3	pain 26:16 27:6, 7,9,10 46:19,20 51:1,19 66:1	144:2,11 147:7 149:15 150:21 156:12 157:15 162:16 165:1
opens 108:21	OTR 59:22	painful 127:4	participate 88:13
operating 37:2 41:15	outline 69:13	paint 116:4	parts 44:7,9 75:11 76:7 144:1
operation 144:7	outside 33:7,8 38:25 79:7 88:14, 23 93:6 106:12 107:8 121:21,22 134:24 136:6	pallbearer 151:12	pass 162:3
opinion 85:4		pallet 86:20,24 87:1	passcode 108:25
opinions 17:4		panel 17:3	passed 151:12 156:3
opportunity 13:7 95:6,15 128:13 161:1	overbroad 23:6	pants 106:23 107:2 130:10,11 137:6,18 138:7	passenger 42:11
opposed 41:9 42:7	overnight 90:5		passengers 92:8
opposing 6:18	override 156:18	park 91:20,24 99:2 111:1 114:13	past 9:23 145:15, 16
opposite 102:20	oversee 157:11,13	parked 91:6,12,22 92:2,25 93:3,4 94:19	patience 125:1
order 26:19 27:10 29:12 33:9 68:9 99:20 107:13 110:6,8 111:3 155:6	overseer 156:4	parking 92:17 93:4 94:8 99:3 101:22 135:10 142:22 151:5 159:7	patients 45:21
ordered 110:10,23	overworking 87:22		patio 135:25 136:1,4,6
ordinary 100:18 144:6	owner 60:2	parks 99:3	patios 136:12
orientation 61:17	Oyl 133:17,19,23	part 40:10 53:16 61:24 73:24 74:3 77:19 85:19 108:6 116:16 117:2 119:13,20 129:14,21,23 138:13	pattern 80:1
original 119:13 159:21	P		pavilion 93:6,12,14, 15,20 94:2, 7,11,17,21, 22
originally 31:2	p.m. 37:9 72:10, 15,18 73:1		pay 38:1 55:13 146:21 154:7
ortho 51:23	page 68:20 69:1 71:5,16 74:10 78:18		paying 51:10
orthopedic 50:11	paid 22:7 60:21 61:1 115:6		payroll 21:7
orthopedic's 34:21	Paillant 112:4,19 119:21 131:4		

PCP	permanent	pick	play
29:15,16	33:3	15:23 128:18	49:14 70:4
46:12,15	permission	picked	89:3 96:16
48:21 49:10	154:18,20	88:22	103:18 127:7
50:3 148:11	155:5	picking	157:19
149:8	156:11,14	129:7	163:9,12
peace	157:9	pickleball	played
68:11 98:7	person	89:3	70:9,12
penalty	71:23 72:8,	picks	97:4,12,16
68:13,15	25 73:1,18,	105:19	100:6 103:21
pending	19 74:21	pickup	104:6,12
22:3,4	75:1 76:8,	88:20	106:5 109:8
people	18,23 77:15	picture	110:5,16
79:24 82:8	78:5 123:25	116:4 134:21	111:17
84:10 123:9	personal	pictured	113:6,16
144:4 147:19	10:11 40:24	133:18	114:1,20
152:24	50:3	pieces	115:13
154:19 158:5	personally	125:1	116:20
perception	151:11	pinned	117:5,11
135:1	personnel	76:19,25	119:17,22
perfect	45:22	place	121:9 123:13
9:16 40:4,6	perspectives	9:8,10,13	124:17
45:1 50:25	124:25	14:23 67:20	126:4,10
60:20 61:13	phone	118:15	127:11
62:5 76:6	22:13 52:18	122:14,15	130:1,25
98:21 107:14	68:4 95:7,8,	160:2	131:16
112:16	11 116:22	places	132:14
126:21	117:14,16	158:4	133:15 134:7
perform	118:3,14	plainly	163:21
29:5 45:12,	158:24	151:17	player
16 58:4	phones	Plains	70:1 112:8
86:13	159:10	13:10	163:4
performance	photographs	plaintiff	playing
19:25 23:17	71:14 78:25	66:22 69:4	88:20 106:4
performed	physical	95:19 112:3	109:5 113:24
23:14 28:16	18:19,20	120:25	114:18
29:3 30:24	29:1 34:12,	plaintiff's	115:12
145:23	22,23,25	53:10 54:23	120:17
performing	48:9,21,24	95:21 112:4,	124:16 126:7
46:1	49:1 89:13	19 147:13	please
perimeter	physically	plan	7:3,6,13 8:4
124:20	19:1 134:22	49:25	56:2 98:1
period	physician	platinum	146:3
63:7 105:3	30:13 31:19	55:25 56:3,	plenty
perjury	47:5,17	4,11,20,24	40:13
68:14,15	89:20 149:14	57:2,16,19	plug
		58:1 59:9	90:18

point 49:13 158:18	position 58:23 59:1, 3,7,8 78:1 137:15,21	preserve 67:20 President 153:21,25 154:4	process 24:17 83:4 87:12 88:3 100:23 101:7 108:7 120:21 124:8
pointing 134:24	positions 133:3	press 80:15 83:6 127:7	processed 103:1
points 124:24 131:11	potential 17:3	pretty 27:1 30:6 32:25 39:24 41:8 48:6 60:20 66:15 68:7,13 106:8 109:19 121:19 136:22	processing 102:16 124:10
police 36:20,22 38:16 40:2 42:24 65:17 66:24 67:4,5 69:5 71:3 73:9 77:10 79:11,12,14 80:6 84:9 95:4,5,7,10, 16 98:3 103:23 107:17 108:13 109:14 110:11 113:8,21 115:15 117:17 118:4,5,12 124:20 129:23 130:21 135:12,15,23 136:4 143:20 150:19,22,24	potentially 79:19 pounds 133:6,7,9,10 power 151:6 practice 29:18,24 149:2 160:4 practices 149:8 practitioner 30:22 31:18 pray 102:1 praying 102:8 precise 39:23 predicated 67:23 preexisting 143:23 prejudice 17:2 prescribe 27:4 32:13 46:16,20 prescribed 27:4,8 148:8 prescribing 148:12 prescription 45:23 prescriptions 26:16 presented 26:8	prevent 73:4,12 previous 119:20 previously 8:9 price 161:9 primary 30:13 31:6, 18 47:4,16 89:20 149:14 prior 9:24 11:19 55:23 150:1 probably 63:4 91:25 161:7 problem 10:10 90:20 110:15 152:20 problems 151:9 procedure 50:8,17,22 proceeded 73:19 PROCEEDINGS 165:24	produced 66:23 68:10 95:20 96:10 112:4,19 143:21 professionals 51:12 professions 33:15 program 14:5,15 48:24 progressing 34:24 projectiles 142:20 promise 44:16 74:18 83:18 97:3 130:15 prompted 11:13,16 12:15 13:5 57:2 property 92:21,25 108:20 114:14 116:8 142:20 protocol 42:13 142:25 143:3 provide 8:4 25:6 32:19 49:22 68:12 132:16
Pollard 54:20			
poor 74:2			
pop 24:20			
Popeye 133:21,23			
Popeye's 133:19,21			
portion 36:25			
portions 96:18			

138:12 146:3	pushed	140:3,17,18	random
158:19	43:13	141:14	151:4
provided	put	147:12	randomly
23:8 46:14	26:14 33:7,8	153:15	84:9
141:24	50:12 73:17	156:6,8	range
148:23,24	98:24 99:5,	questions	28:20 88:16
provider	20 124:5,25	6:18 53:3,18	raw
32:16 68:11	147:3,8,11,	67:21,22	124:24
providers	13,15,21	69:13 70:6	Ray
29:4,5	148:14,16	71:18 74:7	67:7 113:4
providing	161:4 165:5	101:13	re-ask
51:10 98:6	putting	115:20	137:20
129:22	161:9	116:17	Re-read
132:20	puzzle	124:14	76:22
134:5,6,15	125:1	129:24	reach
PTSD		140:24,25	21:23
87:10 159:22		157:17 162:7	read
165:2,12	Q	quick	61:3 71:16,
public	qualification	64:12	24 72:1,11
79:20 80:23	23:3	quickly	73:6,21
pull	qualifying	40:19 112:10	74:16,21
21:14 24:12,	23:4	quite	75:3,14
14 84:9	quarterback	10:8	76:6,13,17
86:23 104:10	17:6	quote	77:8,14,19
126:15,17,18	question	119:25	78:22
127:14,25	7:2,13,20,24		reading
128:1 164:15	8:1 23:5	R	74:2,15
pulled	36:22 37:10		75:10
18:22 21:9,	42:20 44:6	radiological	reads
10 24:1	50:21 53:14	28:11 45:16	36:20 73:7,
76:10 99:6	56:21 57:13	radius	15 74:16
pulling	60:13 61:4	92:1	75:5 76:7,14
21:8,17,18	77:20 83:18	rain	78:24 100:14
24:10 39:6	85:9,19,20	120:9	ready
41:23 44:2	86:2 92:22	raised	64:13 90:22
60:24 86:25	94:10 96:21	8:15,16	real
135:2 164:12	98:13,15	ran	40:15 64:12
punch	101:13	18:24 19:2,4	realize
78:4,7	103:14	36:17 39:14	124:11
pups	115:21	59:24,25	rear-end
24:12	117:15,21	84:6,9 85:6	39:4
purpose	118:10,11,13	95:9,12,13	rear-ended
31:6	126:2 129:2	102:11	39:16
purposes	132:19	106:10	rear-ending
93:18,21	137:8,20,21	108:16	41:24
push	138:10,14,	128:14,16	rearview
42:4	15,23,24	136:4 144:9	40:16
	139:15,23		

reason 6:10,12 19:23,25 20:3,5,7 22:15,19,20 23:3 25:23 41:22 64:7 65:3 74:6 84:2 86:1 121:17 122:23 124:1 134:13,18 142:18 145:22	record 8:5 15:22 35:25 68:16 73:9 74:18 126:5 128:25 145:4 159:23 162:17 records 67:14,16 68:13,15 69:6 148:19, 24 164:16 recourse 21:21 recover 159:11 recovered 157:15 recovering 31:15 32:4 recovery 5:12 139:16, 21 147:9 150:10,12, 13,15 151:1 152:1 164:1 Recovery's 157:4 red 78:22 144:9 reduce 146:15 reference 134:3 referral 50:14,16 51:19 referred 48:9,22 49:3,4 50:11,21 51:1 referring 51:21 regarding 115:7	Regional 29:24 regular 47:3 89:22, 25 100:21 159:24,25 regularly 47:12 89:20 related 34:10 relates 34:18 72:3 77:22 relationship 21:1,7 70:18 relaxer 27:5,9,12 relevant 10:12 27:16 reliable 110:20 111:14 125:3,7 rely 154:9 relying 151:25 158:17 remember 10:2,6,8,9 24:2 25:17 26:18 27:8, 14 30:8 52:10 54:24 62:22 82:18 86:7 90:9,24 96:18 98:2 114:7 116:21,24 128:24 130:4,11 132:22 150:5 152:9 remind 128:24 reminder 128:23	reminding 142:14 remotely 5:3 reopen 49:15,17 rep 12:11,12,13, 14 repair 50:13 repeat 14:10 56:1 57:12 58:15 rephrase 137:20 replay 97:7 110:12 116:15 128:4 replayed 98:18 replied 42:19 repo 119:9,10 124:10 156:12,15,18 report 36:20 38:16 40:2 150:20, 22,24 reported 25:12,14 47:21,22 reporter 5:2 7:9 14:10 15:10, 18 56:1 57:6 128:25 165:21 reporting 5:3 repossess 154:14 157:10 repossessing 155:2
reasons 22:22 23:15 recall 9:6 26:23 27:12,18 44:24 64:4 72:21,23 82:20 83:15 86:6 87:25 88:5 89:11, 17 108:3 114:23 116:24 132:23,24 recalling 125:20 receive 43:15 received 34:4 52:18 55:5 85:17 receiver 133:15 receiving 23:1 recent 64:5,23,25 recently 52:20 recollection 72:2 131:19 recommended 146:15			

repossession 137:5,23 150:11	respectful 161:21 162:1	retroactively 49:22	99:25 100:11,12,
represent 5:11 21:13 33:17 40:13 53:10 63:14 68:6 122:16 123:1 131:1 143:9,25 150:6,12	response 78:13	return 7:25 31:4,16 32:5,11 157:12	13,19,23,24 101:14,16 102:2 103:23 104:10 106:1,6 109:1,4 111:8 112:1 113:3 114:3, 4,18 115:24 116:14,22 118:6 119:18 122:14,21 124:23 125:9,25 126:1 129:5 131:10,14,25 132:1,2,6 133:2 134:4 137:2 138:9, 25 139:13 140:23 141:13 143:15 145:17 146:22 148:13,17 149:23,25 150:10 152:18,22 153:1 155:17,18,25 157:20 159:1,3 162:16,20 163:15,18 164:8,14,15, 18 165:1,18
representing 53:5,13 143:17	responsibilit y 49:18,19 52:6 55:8	revelation 114:6	Rights 52:18
represents 150:12	rest 85:8 86:22 105:8 151:13	review 161:12	risked 33:9
request 35:2 50:12 68:9 158:16	restaurant 46:6,9	revolver 109:20	road 38:9,11 42:7 59:19,20,22 80:10,12 105:9,10
require 58:1	restrained 43:14,24 44:2 48:6	rewind 116:15	
required 19:3	restraining 48:5	rewound 119:14	
reserve 165:20	restricting 76:20,25	right 5:23 6:21,22 7:5 8:7 10:8,12,16 12:14 17:5 19:20 21:3 23:6 24:4 25:24 27:7, 16,22 33:6, 8,14 35:1,20 37:12,19,20 38:12 40:6, 12,18,24 43:25 45:23 47:1 48:14 51:15,18 53:8 54:9 55:20 60:8 61:10,22 62:12 64:22 67:25 69:18, 22 70:8,25 71:21 74:4, 15,20 75:3, 19 76:7,9,15 77:9,18,21 78:1,20,22 82:24,25 83:5 84:20 90:15,17,21 91:5,15,16 94:15 97:10	
reserving 64:18	restriction 28:8		
reset 62:17	restrictions 26:13,14 32:6,11		
residence 10:2,19,22	result 43:4 47:22 54:25 55:11 148:9 157:25		
residents 154:20	results 46:4		
resign 58:8	retaliate 20:17		
resist 82:6	retaliated 20:21 23:25		
resistance 42:3	Retaliation 20:15,16		
resisting 84:4,5 85:5	retaliatory 21:22		
Resolvion 5:12 153:15, 17,18 154:7, 9 156:1	retired 21:3		
respect 32:21	retrieve 72:5 94:4		

114:9 122:1	run	sat	scheduled
159:23	18:25 19:1	87:4 105:21	31:11
roadway	101:8,19,21	satisfied	scholarship
94:17	102:20	157:4	13:16 14:2,4
Robert	108:22	Saturday	school
10:24 14:13	running	145:6	10:15 12:2,
Rochelle	84:10 94:25	Savoy	4,5,18,20,24
71:22 72:9,	95:2 99:8,16	9:8,14 14:22	13:6,9 26:24
24 73:3,4,16	100:16	say-so	61:19,20
74:23,25	101:15,16,	78:13	62:1 88:14,
75:3 76:9,	17,18 102:2,	saying	24 145:23
11,19,24	8,23 103:8,	23:5 49:18	Schuerger
77:14,17	17 106:17,25	68:14 74:11	52:12 54:1,
78:4,19	108:17	75:7 77:5	2,4,5,8
role	135:9,24	92:14 99:8	scope
56:23 59:9,	164:7	106:8 108:24	67:14
17 60:14	runs	110:9,10	Scott
150:8	103:9 147:7	113:11 117:3	49:8,12 50:2
rookie	rush	118:22,23	scrambled
114:24	19:2,8 36:16	119:3 124:1	106:24
room	37:8,11,12,	125:13,20	scrambling
38:2 45:22	21 38:3	128:3,5	106:22,24
46:18 71:24	111:5	139:2 143:15	scratches
72:6,7 73:18		146:13	78:20 79:3
79:6,8 81:12	s	147:22 154:5	scratching
rotator		says	84:24
35:3	S-A-V-O-Y	71:21 72:8	screeching
roughly	9:14	83:9 141:5,6	40:25
13:22 37:24	S-E-R-T-R-A-	scales	screen
60:12 100:11	L-I-N-E	133:3	54:10 65:24
102:12,14	149:6	scan	68:3,21
104:22 125:6	S-H-R-U-E-G-	28:12,24	69:11,17,23
rounds	E-R	scared	70:1,11 71:6
106:11,14,15	54:4	107:3 114:25	95:24 96:3,4
route	S-H-U-N-N-A-	scene	97:8 104:9
60:25	R-A-H	42:23,25	121:14
routine	54:7	95:7,16	129:15
47:3	safe	110:7,8,23	130:21
routinely	13:23 88:23	114:3 123:17	163:16
47:15	safety	131:12	scroll
row	42:10 43:7,	142:16,17,21	71:12
93:7	12 62:11	143:3 152:25	sculpted
rule	Saida	159:12	69:19,20
155:16	159:14,16	schedule	seat
rules	Sam	27:21 32:14	41:14 43:8,
6:15 96:20	9:12 15:8	63:12,13	14,24 44:1
			59:12

Seattle	157:18	131:13	she'll
120:8	158:7,25	138:17 139:4	155:21
second	162:22,23,24	sensitive	sheet
65:25 74:14	163:14,19	97:21	71:5,8
90:19 101:1	164:15,21,23	sensors	shell
102:6 144:11	seeing	108:22	21:4 142:19
162:18	69:12 70:1	separate	Sheriff's
seconds	75:21 122:21	30:23 118:10	42:22
76:12 110:19	148:3 158:5	119:24	sheriffs
126:6	159:24	122:18	36:24 43:2
section	162:20	September	shirt
93:7	165:15	19:6,9 20:22	110:12 138:6
sedan	seek	35:9,22	shock
38:21,22	21:21 79:23	36:6,19	45:5 100:20
see	sees	47:6,7,19,23	107:3 116:25
23:5 27:12	160:12	50:9 52:23	120:11,23
28:7,24 30:8	selection	54:25 55:16	124:12,13,14
33:15 36:10	162:22	85:15,21	128:6,8
39:24 48:4,7	self-	86:9 95:21	shoot
55:10 63:19,	employment	96:11 112:5,	101:4 102:9
21 68:2,4,5,	61:10	20 143:22	103:8
8,20,22	sell	seriously	127:21,22
69:11,17,19,	156:12,21	157:3	128:18
22,24 70:2	157:9	Sertraline	shooter
71:5 75:20	selling	148:16 149:6	92:19 93:1
89:15 94:11	156:15	Sertralol	94:18,21
95:24,25	semi	148:16	108:17
97:7 98:8	18:24 36:17	services	127:16
99:25 100:25	37:3 39:24	42:16	130:4,8
102:24,25	40:20 42:4,	set	131:18
103:8,13,22	12 91:12,13,	63:12 64:12	132:10,17,21
108:24	20,22	setting	134:6,10,23
110:14 111:8	semis	27:24	136:13,20
113:13 114:5	91:24	seventh	141:20,25
115:25 118:6	send	33:24	142:4,8
120:12,23	22:12 75:18	several	151:20,21,22
121:11,13,14	77:11 87:3	152:24	152:1 153:11
122:9 123:17	127:6	shake	159:8 164:2
124:8 126:23	sense	7:7	shooting
127:14	6:25 40:4,6	shape	100:17,20
129:14,16	60:19,20	111:8	101:7 102:22
134:9 135:5	67:24 86:4,5	share	106:10
136:9,25	100:4 111:4	65:24 95:23	110:23
138:8 139:22	120:16	sharing	117:17 118:1
141:24 142:4	124:22	54:10 163:16	150:19 151:2
148:22	126:21	sharp	shoots
149:11	128:12	89:9	101:6,8,14
151:18,21			102:12,14

103:10,11,15	show	17:15 18:4	161:23
shop	61:2 68:8	20:14 22:10	situated
27:23	93:16 133:21	35:19 44:16	93:4
shopping	160:1 163:4,	51:14 53:7,	situation
91:23 92:3,5	14	20 55:22	46:25 51:6
short	showed	56:14,16	79:17 82:9
35:13 46:24	42:23,24,25	66:12 68:21	102:16
64:11 66:10	48:4 122:18,	69:23 70:6	105:12
97:24 140:16	19	71:16,18	107:15 108:4
153:4,5	showing	75:4,13	six-mile
shorter	117:2	76:23 83:24	92:1
131:20	Shunnarah	84:16 85:9,	skills
shorthanded	52:12 54:1,	18 90:22	74:2
45:21 46:5,	3,7,8	93:25 95:15,	skin
10	shut	24 96:8,18	130:9 132:11
shot	129:11	97:20 98:11	skinny
5:20 95:3	shuttles	100:5 103:6,	130:9 132:25
102:1,19	21:8	14 109:6,16	133:24
103:2,15,16	siblings	110:19	152:13
106:14,15,19	80:5	112:23	skip
109:14 110:7	sic	116:14	163:13
111:20	9:10 21:15	119:13,18	slacks
120:12,20	54:5	126:8 128:9	130:12
123:25	side	129:3 130:23	sleeping
124:4,12	53:12 76:1,2	131:5 134:9	165:6
127:20	78:20,21	137:20	slipped
146:23	81:14	142:11	87:1
147:23	sidewalk	143:25	slow
157:16 165:5	93:1 136:21	155:14	38:10,25
shots	sideways	159:13,20	142:12
34:25	136:5	160:16	slows
100:15,16	sight	161:21	24:17
101:7,15	43:10	163:9,12	small
102:15,23	sign	sister	78:19 79:3
106:19	141:3,7	155:22	116:16
127:17	signal	sit	131:24
136:14	104:9	45:24 46:2,9	Smith
shoulder	similar	55:17,18	39:21 61:18
18:22 24:1,	81:11	86:14 101:2	smoke
10,21 25:25	single	112:25	122:15
26:19 29:8	33:5	121:21 159:4	smoking
31:9,14,20	sir	sites	122:13
32:3 34:4,10	5:10,16,21	33:20	sold
35:2 43:23,	7:4 8:5	sitting	157:15
25 44:8	9:15,18 10:8	33:13 42:15	solo
45:8,11	11:7 14:21,	107:16	63:8 92:11
49:18 50:13	24 15:3	118:25	
78:22		121:22	

someone's 145:19	specific 24:5 56:23	stamp 123:18 125:8	15,17,18 129:22
Son 16:18	59:17,20 63:18 77:23	stand 107:8 158:4	130:20 134:14,19
sooner 16:24 17:1 26:25	85:11 specifically 7:14 71:4	standing 32:2 89:5 93:1 95:2	143:12 statements 71:17 79:18
sort 40:10 50:7 61:14 83:7 151:17	144:5 speculate 10:13	100:11 118:6 127:16 129:15	98:2,6 123:7,8 141:24
sound 5:23,25 36:17 63:16 67:24 71:9 72:4 131:18 132:19	speed 37:23 39:25 40:22 spell 9:11 10:21 17:18 54:2 65:10	135:10 136:14 stands 52:17	states 54:12 stating 134:9 157:1
sounded 41:16	spelled 16:2 29:21	start 7:24 21:5 36:10 61:10 64:13 96:21 113:8,11 119:14 121:5 129:2,13 130:22 163:15,16	stay 90:5 111:15 129:12 stayed 10:1 17:17 107:21 122:22 154:3
sounds 83:17 127:12 133:12 140:20 161:15	spelling 29:21 spent 84:1 90:3 spine 51:25	started 24:21 61:20 87:15 97:6 103:7 106:22	staying 9:21 57:20 steel 57:1
space 98:24 99:22	spoke 45:6 85:25 121:15,16 123:5 135:14 152:24 154:25	starting 36:5 49:14 117:25 150:18	stenographic 5:4 Stinson 134:21
spark 100:25	sport 13:7 spot 144:8 spouse 15:1,2,6,24	state 17:9,11 78:18 81:13 82:10 120:11,23 124:12 126:5	stood 79:6 94:23, 24,25 stop 19:13 37:22 40:5 110:18, 19
speak 55:17,18 84:23 95:6, 15 107:11 135:12 152:16 155:9 159:2	st 13:10,12,17 stairs 101:16 102:8,9 106:15,22, 24,25 111:9 128:14	stated 19:25 23:18 40:1 73:5 114:11 142:18 statement 73:24 76:4, 21 77:25 98:8 118:12 122:17,25 123:2 125:9,	stopped 14:7 61:8 store 32:22 stories 71:1 story 76:2 122:21
speaking 44:19,22,23 85:10 116:22 118:2 123:9 142:9 146:2 151:11 153:20	stairway 121:11		straight 38:12 42:7 64:12 93:7
special 61:13,16			
specialist 48:22 49:2			

94:16 134:25	subpoenas	116:19	
strange	67:3 68:7	119:16	T
47:13 151:7	substance	122:20	
street	53:19,23	137:12	tablet
9:21 10:19,	suddenly	162:18	16:8 68:4
21 17:22	21:4 27:24	surgery	95:25 96:16
106:16 132:6	40:23	33:3 34:17	tackle
136:21	sued	35:2 50:8,22	27:1
stress	84:13,15,17	82:3	take
145:15	suffered	surprised	35:13 49:19
155:19	23:24 26:20	41:24 74:17	55:20 61:16,
stretches	29:12 34:10,	surroundings	17 64:11
66:11	19 35:9,22	165:9	66:9,10,11
strive	36:6 144:15	suspect	73:20 81:9
61:9	suffering	143:10	84:11 97:20,
struck	43:21 149:25	suspenders	23,24 108:1
67:24	150:3	43:7,9,12,14	112:7 117:21
stuck	suing	SUV	140:15,19
106:12 111:5	84:18	38:21	155:6 157:2
study	suitcase	sweatpants	161:11
13:14 14:18	72:7	130:12,14	162:18
stuff	Suits	140:8	taken
27:4 33:14	68:9	sweats	6:5 36:3
41:1 71:15	summer	130:13 137:7	64:16 140:22
85:11 87:13	162:10	swelling	161:18
97:21 98:23	super	28:21	takes
99:22	133:23	swim	111:21
104:13,15,	supervisor	141:5,6,9,11	taking
18,22 113:9,	25:15 142:24	155:24	19:22 26:19
11 117:13	support	swing	46:23 49:17,
145:25	138:18	90:12	21 57:25
149:21	supported	switched	58:6 82:17
154:14	68:13 143:20	159:10	99:19 104:15
155:10	supposed	switching	135:21
style	41:25 43:12,	122:22	151:16
122:6	15 157:13	swivel	156:21 159:6
subcontract	sure	39:21	talk
154:18	10:4 26:23	swollen	5:18 23:23
subcontractor	27:25 39:24	25:14	31:20,21
157:13	46:25 47:14	sworn	35:8,10,21
Suborn	53:21 54:12	5:7	36:5,13 46:3
9:10,11	67:2 71:20	symptoms	90:15 120:14
subpoena	80:3 86:2	25:24 51:20	135:20
66:23 67:13	89:23 90:13	system	145:13,20
155:7	109:19	39:22 52:1	150:8 151:17
subpoenaed	111:2,20	61:18 149:15	165:2
69:5	113:12		talked
			64:18 67:7

talking 5:20 17:10 55:19 64:23 70:25 84:12 88:16,17 91:11 92:24 96:1 117:16, 25 118:3,9, 13 120:23 124:12 125:23 140:7 154:5 158:11	teenager 90:13 teeth 66:16,17 telephone 155:17 tell 6:23 7:19 10:4,7,10, 12,16 21:3 22:12,15 23:16 25:23, 24 26:11 27:22 28:2, 5,10,18,20 32:10 33:16 34:16 41:3 43:20 44:19 46:14,15 50:6 53:13 54:24 62:12, 15 72:13 77:18 79:10 82:25 114:4 120:19 122:21 126:23 128:10 132:2 139:9,13 140:4,5 141:8 147:15 155:13,21	temporary 46:18 ten 17:10 76:13 tenants 93:20 94:4 tendon 35:4 term 93:19 94:1 terminated 19:12 21:25 22:21 59:6 61:5 terminating 23:25 termination 21:22 34:5 terms 40:10 terrible 132:7 testified 5:7 testify 58:23 59:1 137:16,22 testifying 6:24 10:11 testimony 6:11,23 73:11 79:16 81:10 114:19 138:19 141:23 151:19 155:10 Texas 5:3,4,5 8:10,12,21, 23,25 9:4,8, 22 10:1,5,18 12:8 14:23 16:22 18:23 25:2,4,21,23 26:5 27:2 29:18,19	30:2 31:6,19 32:1,9 34:2 47:17,23 54:11,19 57:18,21,24 82:10,11,12 91:3,10,13, 15,19,21 114:13 122:6 149:3,4,7 160:4 Texas-based 24:23 text 23:20 thank 16:8 23:11 30:4 39:7 41:11 66:13 69:16 96:14 102:13 114:19 128:11 147:21,22 153:7 161:17 162:2 164:12 thankful 161:2,4 thanking 107:19 Thanks 140:21 therapist 48:21 146:17 148:3,6 165:16 therapist's 148:4 therapy 34:12,22,23, 25 48:9,24 49:1 146:13 thigh 44:1 thin 153:3,4,5
talks 152:19 165:2 taller 132:24 tandems 133:10 tape 103:23 110:11 124:20 135:20 taper 153:8 teaching 115:2 120:9 team 62:24,25 112:12 133:14 155:9 tear 26:1 tears 35:3,6 technical 15:21 16:10 35:23 57:5, 11 58:11 61:14 technically 85:10 technician 14:19,20 tecum 66:23	tells 17:8		

thing	154:13	69:3 70:19,	137:16,22
28:1 29:20	155:15 156:9	20 72:21,22	161:1
33:5 41:5	157:6	79:22 83:23	told
53:9,14	158:23,25	86:23 90:24	5:23 20:8,12
67:11 70:2	161:13,19	92:12,15,16	32:25 44:12
75:24 76:1	thinking	95:18 105:8,	46:3,11
77:9 84:20	102:10	18 108:21	47:18 48:1,3
97:1 108:7,8	114:3,6	110:3 111:2,	53:15 55:6
109:1 111:5,	120:20,21	5 112:7,8	72:9 73:16
10 119:8	141:7 159:5	114:24 115:6	77:9 79:12
129:10 140:9	third	116:7 117:21	80:21 89:19
155:24	90:10 102:7,	118:1,17	95:10 107:5
156:24	21 134:21	120:25	109:19 110:1
157:21	153:12	122:25	117:12
things	Thompson	123:18,20,23	121:12 125:4
52:1 84:24	5:11	124:4,10	136:16
120:9 151:15	thoracic	125:6,8	142:24 154:8
154:21	51:25	127:6 128:19	155:11
157:18,19	thought	140:15	156:14
think	20:7 114:6	148:13	Tom
9:3 12:11	127:18	151:16 152:2	10:25 15:8
15:14,18	131:21	154:15 156:8	19:18
19:20 20:11,	thoughts	159:18 160:2	top
21 21:24	20:11 146:11	161:10 165:6	69:19 154:16
23:14 26:24	three	timeline	torch
35:12,24	76:12 106:25	110:20	156:4
44:5,20,21	122:18	111:14	total
46:3 54:19	146:13	125:3,7	29:11 33:25
55:6 58:25	throat	times	34:6 64:3
61:21 64:9,	76:10 81:22	64:3 77:4	103:15
12,23 67:6,	thrown	81:15 101:10	totally
10 75:25	48:5	103:8,10,11,	160:19
77:22 80:10	thrusting	15,16 140:17	touch
85:18 90:9	77:2	155:20	154:3 156:10
92:22 106:1	tight	tires	touched
108:4 119:7	133:14	40:25	114:9
120:13,14	time	tissue	tow
122:5 124:5,	9:17,19	28:23	101:22 103:9
18,20,21	13:16 17:13,	title	108:15,17
129:21	21 19:5	56:23 59:17,	119:8 120:12
133:16	20:18 26:16	20 60:13	124:2,8
137:19	28:13 34:8,9	today	127:14,15,25
138:13	37:5,7 39:6,	5:14 6:5,8,	128:1,5,15,
139:18	15,25 58:7	10 58:23	16 134:10,22
140:13,16,	62:25 63:3,	59:1 84:14	135:8,22
18,24 147:25	7,20,22	96:13 97:2	137:4,13,23
150:13,14,15	66:9,21 67:7	98:13 108:6	141:25
153:17		132:3	142:4,8

150:20	travel	103:9	trust
151:3,4,21,	57:24 104:19	108:15,18	97:2 146:23
23 153:12	traveled	111:2	Trusting
155:1 158:6,	92:9	118:18,21	146:23
7,8,13	traveling	119:8 120:12	truth
159:6,9	38:4,23	124:2,9	6:23
town	100:2	127:14,15,25	truthful
58:6 64:8	treat	128:1,5,15,	98:5,16
80:10,11	49:23	17 134:10,22	100:10
91:5,19	treated	135:8,22	132:21
99:2,4 100:3	30:7 34:15	137:4,13,14,	truthfulness
104:23 119:1	150:1	24 141:25	134:14,18
120:19 132:4	treating	142:4,8	try
tractor-	49:11 148:19	146:12,16,22	21:21 24:15
trailer	treatment	150:20	33:12 65:24
21:9	34:4,13	151:3,4,22,	108:3,11
traffic	45:11 48:16	23 153:12	116:4 140:17
19:8 36:16	50:4,7 51:11	158:7,8	144:21
37:11,12,20,	148:9	159:6,9	146:15,16
21,23,24	tree	164:1	147:24
111:6	100:12	truckers	150:23
trailer	trespassing	62:13,15	160:14
18:24 19:4	154:23	106:2	trying
24:18 39:14	155:3,4	trucking	16:8 22:5
41:17,18	trial	21:5,12	32:18 40:9
86:25	6:25 83:7,	33:17 53:11	42:17 44:16
trailers	10,14	56:19 59:14,	51:13 57:10
21:8,15,17	trick	18 60:8,9,	61:22 69:21
24:14	90:12	10,14 61:5,	72:4 75:10
train	triggers	9,11 62:7	77:7 79:7,10
120:7 146:11	146:11,15	63:9 122:5	81:12 82:2
training	158:14	144:4	85:3 90:12
61:14,16	trip	trucks	98:14 107:2,
transcript	91:4 104:20	33:18 42:13	15,19
165:22,23	113:21	53:13 87:16	110:10,19,20
transfer	126:14	91:24 155:1	118:24
14:3	trouble	158:6,13	120:13,21
transferred	165:6	true	122:13
13:18	truck	6:11 68:14	124:5,7
transitioning	11:18 20:25	78:1,6 86:9	125:7,24
57:14,22	21:14 24:13	107:18	136:19
Transportatio	36:17 37:3,4	137:17,19,24	138:18
n	39:20 40:14	141:16,20,	139:20,24
19:16	41:14,15	22,25 142:1,	140:10
trauma	55:12 60:2	4,6 154:23	141:8,14
52:2	63:22 87:3	trunk	144:3,18
	91:6 101:22	99:23 104:15	146:18 147:9

Tuesday	typical	160:24	42:18
63:16	104:19	understanding	unpack
turn		6:16 41:1	40:24 75:12
100:25 101:8	U	70:17 75:25	unsatisfactor
102:20		79:15 88:7	ily
103:10,11	U-TURN	94:2 98:21	23:15
turnaround	101:1 103:3,	110:22	unsatisfactor
105:23,24	7 106:16	117:19	y
106:3 136:25	Uber	125:5,9,15	19:25 23:16
turned	111:7,13	165:11	untrue
63:23 102:11	uh-huh	understood	86:9,10
103:16	7:8 123:11	7:21 58:8	137:17,20,24
turns	ultimately	143:17	141:21,25
103:9	107:10	unemployment	142:5 154:24
TV	umbrella	21:23 22:1,	UPS
68:8	10:25	2,6,7,9,16	21:16
twice	uncle	23:2,4,8	upset
103:2,15	21:3	unidentified	111:22
111:11	underneath	117:15	upstairs
two	41:18 103:23	118:2,14	95:9 101:25
13:22 21:15,	understand	uniform	106:10
17 37:11	5:13 6:13	137:3,10,14,	Urquiza
59:16 60:12	7:3,20 21:19	17,23,25	95:20 123:2
63:1 80:10	32:7 35:9	138:3,5,6,7,	USA
85:14,21	37:21 40:7,	12,18,21	60:9,10,14
87:15 100:16	11,20 44:7	139:7,9,11,	61:5,8
101:6,8,10,	50:5 51:8,	16,17 140:3,	UT
14 102:15,22	13,15 53:7	9,10,11,12	12:7
103:8,10,11,	57:7 58:25	141:20	
16 106:11,14	59:14 61:22	151:21	
123:9 144:1	66:18,20	uniforms	V
160:8,10	68:17 70:24	137:12	
two-week	77:13 86:1	139:21	vantage
47:12	97:21 98:11	140:6,7	124:24
type	100:4,19	unit	131:11
6:6 28:1	105:11 106:3	9:8 14:23	158:18
33:15 38:20	108:5 111:10	17:24	varied
41:1 45:12	115:24 117:4	United	62:18 63:10
50:22 87:14,	123:6,10	43:19 44:12	varies
15,17 88:12	124:15 131:5	47:18,22	62:9
105:10	135:14	University	vehicle
117:13	136:11,17,19	12:7 13:19,	18:25 19:2
130:11	138:24	20 14:6	37:2 38:18,
138:11,21	140:1,25	17:9,11	20,24 39:10,
139:11,15	141:12	unloading	14 40:22
140:11	143:12	86:19,22	41:2 42:20
types	144:17	unnecessary	73:20 92:4
29:5 144:2			94:20 98:22

99:1,12	20,22 121:5,	visiting	26:15,21,22
109:2 143:7,	9 123:13	64:8 80:8	30:21 35:8,
13 144:7	124:16,17	visualization	21 37:8
146:14	126:4,7,10	48:7	40:23 46:9
vehicles	127:11	visualize	53:1,2,20,23
98:22 154:14	128:2,3	48:7	54:4 63:22
155:2	129:15,22	VLC	64:11 68:19
velocity	130:1,22,25	69:25 112:8	71:4,15,16
40:21 41:8	131:15,16	voice	76:6 79:18
42:7	132:12,14	16:9	80:9 82:22,
veneers	134:7 135:6,	Volkswagen	25 84:4
66:16	8,16,17,21	38:19 41:6	86:19 87:15
veracity	142:3 143:5,	Vollenweider	88:18,20
111:23	24 151:10	29:17,21	91:1 92:14
134:14,18	152:10,16,	30:9,15,19	93:16
verbal	17,18,20	31:13 47:5	101:19,21
7:6,10	153:12	149:8	102:19
verbally	159:9,11,12	volume	105:24
65:16	162:16,21,23	15:17	109:12
vest	163:9,19,21,	voluntarily	110:25
43:7,13	22,25 164:1,	19:13 121:16	111:9,14
vests	6		112:1,2,10,
43:12	video-		23 113:12
Victim's	recorded	<hr/> W <hr/>	121:5 122:4
52:18	135:8		126:5,21
Victor	videos	wait	128:24
9:12 29:22	122:24	96:5 149:7	129:12,13,23
video	130:16 159:8	waiting	140:3 142:25
36:10 48:4	videotapes	42:16 107:17	143:1,3
70:2 79:21	98:9	114:15	144:5,22,24
96:18 97:4,	videotaping	walk	145:13,19,
6,12,16	159:6	66:5 92:20	20,24 150:6,
100:5,6,14	view	101:3 109:3	7,21,22,23
102:24,25	110:12 152:5	119:7 123:24	152:23
103:1,19,21	vigilante	127:23	153:9,14
104:6,12	107:15	walked	154:18,19,21
106:4,5,8	violence	124:20 135:6	162:16
109:5,8,14	69:6 82:10	156:16,20	164:18
110:5,16	virtually	walking	wanted
111:17	6:23	74:22 84:10	26:16 40:20
113:6,14,16,	visible	151:6	46:8 111:14
24 114:1,19,	43:10 79:2	wall	128:13 143:2
20 115:12,	visit	114:4	145:10
13,23	26:10 28:14	walls	wanting
116:16,20	29:10,14	142:20	120:7 135:23
117:5,7,11,	31:12 46:24	want	Washington
24 119:17,	65:5	7:7 10:5,12	9:2,4
		17:2 24:16	

watch	weather	71:23 74:25	woke
17:7 113:1	31:8 120:7	86:15 87:2	25:13
129:23	Weatherford	89:20 91:6,	wondering
149:24	5:4	16 95:1,9	54:17
162:17	week	96:19 98:18	wonders
watched	17:7 62:5,	105:20 123:1	33:24
40:18 101:20	18,20,21,23	134:23 152:5	wood
108:20	weekdays	156:21	122:10
116:16 142:3	63:5,11	west	worded
152:21	weekend	39:23	59:3
watching	63:17	whale	words
119:21	weekends	156:7	22:23 60:21
125:12	63:6,11	whatsoever	156:19
135:21	weekly	53:17 83:12	wore
water	80:22	155:23	43:12
66:11 97:23	weeks	white	work
141:11	48:18	49:8,12 50:2	12:16 25:16
way	weigh	152:11	29:15 30:17,
34:25 41:14,	133:6	wide	20 31:4,14,
23 43:11	weight	88:16 101:22	17 32:5,11,
53:17 59:1	108:23 130:6	133:15	12,17,19,20,
67:21 83:7,	132:23	wife	24 33:1,6
13 103:4,5	133:1,4,11	160:13	43:11 52:23,
114:12	153:3	wind	24 59:7
115:17	weird	120:9	60:16,17
116:3,5	149:22	windshield	61:23 62:6
125:22,23	Wells	143:1,7,13,	63:5,11
137:16,22	5:12 119:9	23	72:18 73:1
138:16	153:21,24	Winston	86:15 89:23
139:13,25	154:8 156:8,	17:8	137:23
141:15,16	9,23 157:1,	wishing	139:10 148:1
146:18,19	6,8	35:10 36:7	worked
147:2 157:14	went	witness	32:22
ways	12:1,7,19	5:5 14:12	workers'
146:7	13:10,18,22	15:16 17:9	25:6,8 32:25
weaned	14:9 17:9	56:3 57:9	48:25 49:23
148:15	25:11,16,18	66:7 73:20	50:6,10
wear	27:1 28:15	78:5 142:9	85:14,16
132:1	29:14 30:7,8	143:10	working
137:12,14	32:1 33:6	152:5,7	18:15 19:13
138:5,22	36:8 41:4	158:17	25:3,9,13
140:7	42:19 43:19	162:3,4	32:17,19
wearing	45:25 46:7	witnessed	37:5 45:9
130:6,12	47:6,11	128:19 143:4	48:13 54:21
137:17,23	52:23,24	witnesses	55:23,25
138:18	61:10,18	79:9 114:11	56:5,8,11,
141:20	62:1,2 65:22		18,19,20,25
151:20			57:19 59:15

60:4,10 61:8	wrongfully	86:5 88:10,	years'
62:23,24	21:24	11 89:8,21,	60:6
63:8,17	wrote	23 90:11	yellow
86:12 118:20	165:9	91:14 93:24,	9:13 110:11
152:1 160:23		25 94:5,14	135:20
workman's		96:17 97:14	yesterday
25:12,15	X	101:10	34:20
31:25 48:10,	x-ray	102:14,25	you-all
16 49:14,16	28:23,25	105:23 106:1	81:20
50:1,12	45:18,19	107:23,24	you-all's
51:2,4	x-rays	109:10	48:15
works	28:14,15,19	110:14,15	young
32:21 132:7	29:3	112:15	18:23 19:8
149:13		117:21 118:8	36:16 38:17
world		121:15 122:3	40:1 42:11
33:25	Y	130:10 131:6	52:3 129:17
worry		132:11,19	younger
27:17 159:4	yard	133:20,23	134:2
worth	43:11	134:12	
24:12 60:7	yards	136:23	Z
147:22	94:13,14	139:1,3,5	
wounds	yeah	142:11	zoom
89:10	10:3 12:7,10	143:16 146:8	40:18
Wow	16:9 19:21	147:17	
24:7	20:14 21:20	148:5,11	
wrangle	26:9 27:18	149:12	
148:18	34:9,11	154:25	
wrap	35:15 36:1,	157:24	
76:9 85:4	12 37:15	158:11,13	
122:4	39:8,19	160:16,20,21	
wreck	41:21 45:11,	164:23	
40:9 66:15	18 48:3,12	year	
wrecks	49:9,11	12:23 56:7,	
53:11	50:16 51:8,	22 60:7	
wrist	23 52:9	85:11 86:16	
84:24	54:8,14	87:23,25	
write	56:22 57:14	134:2	
7:9 22:13	60:23 61:12,	Year's	
wrong	21 62:2,8,	63:20,21	
22:23 103:4	14,16,19	105:8 158:3	
122:9 144:4	64:15,20	years	
150:13,14,16	65:14 66:3,8	9:23 13:17,	
153:17	67:6,15,25	22 16:17	
154:10	68:22,24	21:4 59:16	
156:2,9	74:6 77:13	60:12 87:15	
157:8	81:8,13,21	88:16 142:14	
	82:15 83:4	160:8,10	
	84:21,25		

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BOBBY HARDRICK)
)
Plaintiff,) CIVIL ACTION
) NO. 3:24-CV-00014-D
v.)
)
WELLS FARGO BANK NATIONAL)
ASSOCIATION; RESOLVION, LLC;)
KEEL RECOVERY, INC.)
)
Defendants.)

ORAL DEPOSITION OF DANIEL FIELHAUER
APPEARING REMOTELY FROM DALLAS, TEXAS
FEBRUARY 15, 2025

ORAL DEPOSITION OF DANIEL FIELHAUER, a witness
produced at the instance of the Plaintiff, was taken in
the above-styled and numbered cause on the 15th day of
February 2025, from 9:35 a.m. to 3:02 p.m., before Dawn
Baldwin, CSR in and for the State of Texas, appearing
remotely from Parker County, Texas, reported by machine
shorthand pursuant to the Federal Rules of Civil
Procedure.

EXHIBIT
F

A P P E A R A N C E S

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T A B L E O F C O N T E N T S

PAGE

APPEARANCES.....	2
DANIEL FIELHAUER	
Examination by Mr. Hubbard.....	5
Signature and Changes.....	48
Reporter's Certificate.....	50

1	E X H I B I T S		
2	Exhibit	Description	Page
3	Exhibit 1	Progress Report	19
4	Exhibit 2	Keel Recovery Employee Policy & Procedure Manual	24
5	Exhibit 3	Video	31
6	Exhibit 4	Video	34
7	Exhibit 5	Order to Repossess Collateral	40
8	Exhibit 6	Agent Statement of Fact Form	41
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1 P R O C E E D I N G S

2 THE REPORTER: My name is Dawn Baldwin,
3 Texas CSR 4906. I am reporting the deposition remotely
4 by stenographic means from Weatherford, Texas. The
5 witness is located in Dallas, Texas.

6 DANIEL FIELHAUER,
7 having been first duly sworn, testified as follows:

8 EXAMINATION

9 BY MR. HUBBARD:

10 Q. All right. Good morning. My name is John
11 Hubbard. I'm an attorney for a Mr. Bobby Hardrick who
12 has filed a lawsuit against Keel Recovery and some other
13 entities related to an incident that happened back in, I
14 believe, January 3, 2023 at the Berkshire Medical Center
15 Apartments. Can you tell us your name, please?

16 A. Daniel Fielhauer.

17 Q. Mr. Fielhauer, what is your position at Keel?

18 A. I'm a driver for -- at that time I was a driver
19 for the southern Dallas area.

20 Q. What are you now? Is it a different position?

21 A. I'm still a driver. I'm just a driver for the
22 Oklahoma/Sherman area now, so the northern Texas area.

23 Q. Are you still in the Dallas area?

24 A. I live in the Dallas area, but --

25 Q. Your, kind of, job is more in Oklahoma now?

1 A. Yeah. My job, I repo cars in the
2 Oklahoma/Sherman/Denison area.

3 Q. Yeah, I understand. Have you ever given a
4 deposition before?

5 A. No.

6 Q. All right. I have to ask, are you on any
7 medicine or any substance that would prevent you from
8 answering truthfully today?

9 A. No.

10 Q. I didn't think so. All right. Well, since
11 this is your first deposition, if you need to take a
12 break, please just let me know and we'll take a break.
13 I don't expect to be here for an extended period of
14 time. But it doesn't matter, if you want to take a
15 break, just please let us know.

16 A. Okay.

17 Q. So where did you grow up at?

18 A. I grew up in -- I was born in Warsaw, New York,
19 but I grew up right here in Pleasant Grove, in Texas --
20 in Dallas.

21 Q. When did you get to Texas?

22 A. We've been here since '88.

23 Q. Did you go to high school in Dallas?

24 A. Yes, H. Grady Spruce.

25 Q. How about after high school, any more

1 education?

2 A. No.

3 Q. Did you do any trade schools or anything like
4 that?

5 A. No.

6 Q. Have you had any kind of -- any informal
7 education related to the repo or recovery industry?

8 A. I mean, every year we take -- we take a
9 continuing education class through the Texas Department
10 of Licensing and Registration (sic).

11 Q. What all does that cover?

12 A. Just basic towing, acknowledgement of, like,
13 how to tow a vehicle, how to approach an individual or
14 anything like that, how to handle situations and how to
15 tow professionally.

16 Q. You had to take a test during that?

17 A. Yeah, it's a test every year that you take.

18 Q. I'm guessing you've passed the test every year?

19 A. Yeah. You get like a little license like this
20 right here (indicating).

21 Q. All right. What is that? Is it -- what is
22 that license for?

23 A. It's just a legal towing -- State of Texas, a
24 tow operator, consent tow. It's got my license number
25 and all that on there.

1 Q. Do you have to have that to tow -- to recover a
2 car?

3 A. Yes. Yes.

4 Q. So if you don't have it, then you can't recover
5 cars?

6 A. No.

7 Q. All right. Have you ever been arrested?

8 A. Oh, yeah, a couple times.

9 Q. What were they for?

10 A. A lot of stuff when I was younger. Like adult
11 stuff or younger stuff?

12 Q. Anything over 18.

13 A. Domestic violence, assault charge, stolen
14 vehicle, buying stolen goods. I have a sexual assault
15 charge where a girl accused me of rape on there.

16 Q. All right. Can you tell us a little about the
17 domestic violence charge?

18 A. It was me and my girlfriend. We was drunk --
19 out in public being drunk and doing stupid things. She
20 tried to run me over with a car, so I smashed her
21 windshield in. I think I was like 21, 22. Now I'm 44,
22 I think it is.

23 Q. Do you remember what the actual charge was?

24 A. It was -- I want to say it was just domestic
25 violence because me and her were fighting. I didn't

1 go -- yeah, I did go to jail that day. Yeah, I went to
2 jail that day.

3 Q. How did that turn out? Were you convicted?
4 Did the charges get dropped? What was the end result?

5 A. They gave me six months, 180 days, on probation
6 and then released me.

7 Q. Do you know if you were found guilty or pled
8 guilty or --

9 A. I pled no contest.

10 Q. All right. The stolen car one, what happened
11 there?

12 A. I bought a vehicle from an individual and it
13 was stolen.

14 Q. How did that turn out?

15 A. 15 months state jail.

16 Q. So you took -- I guess you took a plea deal or
17 pled guilty or something?

18 A. Yeah, I pled guilty.

19 Q. Were all these in Texas?

20 A. Yes, sir.

21 Q. All right. What was the last one, the sexual
22 abuse?

23 A. Sexual assault.

24 Q. Yeah, what happened?

25 A. This girl said I forced her into having sex and

1 all that. And the attorney I had wasn't a really good
2 attorney, so he ended up giving me -- got me three years
3 TDC.

4 Q. What is that?

5 A. Texas Department of Correctionals (sic).

6 Q. Did you plead guilty or no contest? How did
7 that one end up?

8 A. I pled no contest because my criminal record.
9 Trying to go in front of a jury was just suicide. They
10 could have gave me like 20 years for it, so I pled out
11 for the three years that he got me.

12 Q. Other than those three, anything else?

13 A. I don't remember. I mean, it was years ago.

14 Q. So nothing in the past decade?

15 A. No, not in the last 10 years -- 10, 15 years.

16 Q. All right. After high school, what has been
17 your employment history?

18 A. I've -- I worked for a plumbing company for a
19 little bit after I got out of high school. Actually, I
20 worked for a grocery store in Houston for about four
21 years. When I left to come back -- left Houston to come
22 back to Dallas, I started working for a plumbing
23 company. And after the plumbing company, since '02,
24 I've been doing towing. I worked for a company called
25 AJ's. He used to do private property towing. That's

1 towing out of apartments. And I've been doing repos and
2 towing since then.

3 Q. When did you start in the tow and recovery
4 business?

5 A. 2002, like April of 2002.

6 Q. Has it pretty much been -- you know, you're a
7 driver, you go out and physically go and get the cars?

8 A. Yes, sir. I mean, private -- private property
9 is a little bit different than repossession.
10 Repossession is that they know that they're behind on
11 the notes, so they know you're going to eventually come
12 and get their car. Private property is just like pretty
13 much when you park illegal like in fire lanes or in
14 illegal spaces or anything like that, you have a tow
15 company that comes in there and tows the cars out of the
16 parking spots.

17 Q. Do you do that -- any of that now or are you
18 just recovery for --

19 A. I just do -- I just do recovery work. I do
20 repossessions.

21 Q. When did you start at Keel?

22 A. I started there four years ago.

23 Q. From now, I mean, this year?

24 A. Well, I just -- I just came back. I took a
25 leave of absence because I had problems with one of the

1 managements up there. But I came back, and I've been
2 back for almost a year now.

3 Q. So when you first started with Keel was four
4 years ago?

5 A. Yeah. I started right after COVID. So that
6 was in 2020.

7 Q. What happened with the manager that you took a
8 leave of absence?

9 A. Me and her just didn't see eye to eye on
10 things.

11 Q. Like what?

12 A. The business -- the business relationship was
13 just toxic. I didn't want to be -- I didn't want to be
14 in that relationship with her.

15 Q. Why did you decide to come back?

16 A. The owner called me and asked me to come back
17 and told me things was going to be different. So far
18 they've been pretty good.

19 Q. How many vehicles would you say you recover a
20 month with Keel?

21 A. A month? Probably anywhere between 90 to 120.

22 Q. How -- go ahead.

23 A. No, you go ahead. I'm sorry.

24 Q. How often would you say law enforcement is
25 called, you know, when -- for one of these recoveries?

1 A. Maybe once or twice a month. In Dallas -- in
2 Dallas, I probably never called law enforcement but
3 maybe once a month. But up there in Oklahoma, they get
4 called maybe once or twice.

5 Q. Is it you calling or the person --

6 A. The debtor calls.

7 Q. How often do you call?

8 A. I don't ever call. I have all the proper
9 paperwork and all the legal terms and all that to redeem
10 the vehicle, you know. I have no reason to really talk
11 to law enforcement unless they get physical.

12 Q. All right. I know kind of part of the recovery
13 business is someone goes around scanning license plates;
14 is that right?

15 A. Correct.

16 Q. Do you do that?

17 A. Yes.

18 Q. What else is there other than -- I guess I'm --
19 as an overview, someone is going out and scanning
20 license plates and then you get a hit and then someone
21 physically goes out to get the car and then takes it to
22 an auction lot. Is that kind of a correct overview of
23 the business?

24 A. Well, what happens is, like, if -- if a camera
25 car scans a car, they get this number -- this thing pops

1 up on the screen. And when it does that, it gives you a
2 number to call to redeem the vehicle -- the information
3 on the vehicle. Well, they e-mail you the information.
4 They give you permission to repossess the vehicle. That
5 e-mail is pretty much all you need in the state of Texas
6 because the state of Texas is a non-help state on
7 repossession. So once -- once you get that paper,
8 you're legally okay to repossess the vehicle. And after
9 that, after repossessing the vehicle -- like I said,
10 every car, they call the police and all that, so they
11 know the car has been repossessed.

12 Q. What do you mean by a non-help state?

13 A. Like a repossession, like they -- everybody
14 says you need a writ. But in repossession, you really
15 don't need a writ because, I mean, if you ask -- if you
16 sat down and asked the judge for a writ for every repo,
17 the judge wouldn't be able to do his job.

18 Q. Okay. So you mean non-help is you don't need
19 to get the Court involved before you take it?

20 A. Correct. Correct.

21 Q. Where do you take the cars after you recover
22 them?

23 A. They go to Van Alstyne to our lot at 13907
24 Highway 75.

25 Q. Is that for all lienholders, like not just

1 Wells Fargo, but everyone?

2 A. That's everybody unless it's TitleMax. If it's
3 TitleMax, it goes to a place over in Grand Prairie at an
4 insurance auto auction.

5 Q. Is that communicated to you in every repo order
6 or you just know, or how do they let you know where to
7 take it?

8 A. It's usually in the updates on the -- on the
9 file because we -- when we -- when we get the repo
10 order, we get like a bunch of paperwork and stuff like
11 that in our e-mails, and it shows that -- like in the
12 updates where it goes or where it gets dropped off at
13 and stuff like that.

14 Q. Who sends that?

15 A. The lienholder sends that. They send it to the
16 office. They send it to the office, and the office
17 uploads it onto our system. We have a system called
18 Clearplan and a system recalled RDN that we do that
19 with.

20 Q. Does it go through Resolvion or does it go
21 straight from, like, Wells Fargo to you?

22 A. It goes through Resolvion first and then it
23 goes through -- because Wells Fargo is actually the
24 lienholder. Resolvion is the -- like the forward
25 companies that we work through. We have like LPS and

1 LPR and all that. That's just forward companies that
2 handles, I guess, the paper trail through the -- through
3 this case and all that. And then like I said, Wells
4 Fargo is just the client or the -- like, Resolvion is
5 the client. Wells Fargo is the lienholder.

6 Q. Right. Then there's other companies like
7 Resolvion called LPS, LPR? I'm sure there's several.

8 A. Yes, MVTRAC. There's, like, a bunch of -- like
9 seven or eight different repo companies like that.

10 Q. Do you or do you know if anybody at Keel talks
11 to those companies?

12 A. All the girls in the office pretty much talks
13 to them unless it's like LPS. LPS, when we -- we have
14 like a website we go through. LPS, MVTRAC and I think
15 ARS, they all go through like a website. So once we put
16 the information, we put the VIN number, we put the
17 location, we'll put the coordinates and stuff where we
18 got the car from, it goes to -- it goes to them and it
19 goes straight into our system. But any other one,
20 they've got to contact the lienholder or the client and
21 stuff like that where they can upload it into the
22 systems.

23 Q. Are you paid a regular salary or just for per
24 car?

25 A. We get paid per car. We get paid per car.

1 Q. So if you don't take any cars, you don't get
2 paid?

3 A. Correct.

4 Q. How about the people that scan, do the license
5 plate scanning, does anyone just do that and not do the
6 physical recovery?

7 A. They get paid -- the camera cars, they get paid
8 a percentage off our repossession. So we get paid \$85 a
9 car. When a camera car finds a car, they take \$15 off
10 that, so we get paid \$70 a car.

11 Q. Let's say you show up to take a car and for
12 whatever reason you can't take it. The people object or
13 whatever reason and you have to leave. Do you get paid
14 for leaving without it?

15 A. No. No.

16 Q. When you start your shift, do you have a list
17 of cars you're going after? Are you going out and
18 scanning, looking for cars? What's the daily schedule
19 like?

20 A. I have a -- I have a program called Clearplan.
21 Clearplan is like -- we have over 1,400 accounts. Some
22 accounts have, like, five or six different addresses.
23 What it is, it's like a map of Texas and it has like red
24 triangles on it. All the red triangles are new accounts
25 and stuff like that that we can go run accounts all

1 through Dallas and Fort Worth and Sherman and the
2 Denison area and stuff like that.

3 Q. When you say an account, is that like a
4 specific car you're looking for?

5 A. Yes, sir.

6 Q. So are you -- it's telling you which cars to go
7 pick up or are you picking which cars to go pick up?

8 A. It's telling me which cars I'm looking for and
9 what I need to do with it and all that.

10 Q. Right. Based on what area you're in or wanting
11 to work in?

12 A. Yes, sir. It will give me the make, the model,
13 the lienholder, the client and stuff like that, what
14 color it is sometimes. Sometimes it has the tags. If
15 it has the out-of-state tags, we don't have tags -- we
16 don't have -- we can't run out-of-state tags. So if we
17 don't know the tag, we just leave them blank.

18 Q. I'm sorry, you might have told me this earlier,
19 but you do the -- do you do any of the license plate
20 scanning or is that just for the camera car?

21 A. I do also in the truck. I have a system in the
22 truck that scans plates.

23 Q. Are you doing that while you're looking for
24 the -- you know, the car you're after at the time?

25 A. Hold on. My phone fell. I'm sorry. Yes, my

1 systems stay on the whole time I start my truck to the
2 time I go home.

3 Q. So that's pretty much just scanning the whole
4 time?

5 A. Yes.

6 Q. All right. Let me see if I can pull a document
7 up for you. All right. Do you see this?

8 A. Yes.

9 Q. Progress report?

10 A. Yes.

11 Q. All right. I'm going to mark this as
12 Plaintiff's Exhibit 1.

13 (Exhibit 1 marked.)

14 Q. (BY MR. HUBBARD) Can you tell me what this is?

15 A. That's a repossession order through the client.
16 They tell you the make, model, the VIN number, who the
17 client is and the debtor's name and all that.

18 Q. All right. And this -- this one is related to
19 the Genesis G80 that you were looking for on
20 January 3rd, 2023, right?

21 A. Correct. I was never looking for that vehicle.
22 My cameras went off on the vehicle.

23 Q. What do you mean by that?

24 A. I patrol them apartments. Them apartments, I
25 go in -- when I worked -- when I worked Dallas, I went

1 through them apartments every night. And my camera went
2 off on that car, but I was looking for another car in
3 the apartment complex. And that's the car that I got
4 that day was that other car. And then I came back -- go
5 ahead.

6 Q. So going -- this looks like it's from
7 December 30, 2022. It says, Agent called in live DRN
8 hit. Spoke with Daniel. Advised order dispatched.
9 What does that mean?

10 A. Whenever I called in, they gave me the order
11 and they sent me over there, and all I had to do was
12 just pick the car up. But I never picked the car up
13 because I got the other car in the apartment complex. A
14 couple days later I came back and tried to locate that
15 car.

16 Q. What is a live DRN hit?

17 A. It's just a live camera hit like we was just
18 talking about, the camera that scans the cars.

19 Q. All right. So if I'm understanding, another
20 agent called in that hit, and then someone at Keel
21 talked to you to go get the car?

22 A. No. I hit the -- I hit the car on my cameras.

23 Q. Okay. And then you called in and they told you
24 you can take it?

25 A. Yes.

1 Q. All right. So when you got there on
2 December 30, 2022, what happened?

3 A. You're talking the day all this happened,
4 right?

5 Q. No. I'm still talking about 12-30-22.

6 A. Okay. The day I scanned that car, like I said,
7 I was in there looking for another car, I think a Lexus.
8 I don't quite remember what the car was, but I'm pretty
9 sure it was a white Lexus. So I ended up picking the
10 white Lexus up and I was supposed to come back for that
11 car. But by the time I took the car to Van Alstyne and
12 come back, I was too tired, so I just went ahead and
13 went to the house. And I come back the next morning and
14 it was not there. So I think I came back a couple days
15 later and that's whenever all this incident happened.

16 Q. Right. So was this at 3 -- this -- still on
17 the progress report on 12-30, it says 3:19. Was that in
18 the morning? Is that the time?

19 A. No, this was in the afternoon.

20 Q. 3:19 in the afternoon?

21 A. The way -- the way RDN is, it's always two
22 hours behind because they're in a different state. Does
23 that make sense?

24 Q. Yes, I understand. All right. Between you
25 going --

1 A. Go ahead. I'm sorry.

2 Q. I mean, if you want to finish your answer, you
3 can.

4 A. Well, on that order date, it said 12 -- 12-30,
5 and the incident happened on 1-23. So, yeah, the 12-30
6 is whenever I got the other car.

7 Q. Right.

8 A. And that's when I got the hit off the car.

9 Q. So between 12-30 and January 3rd of the next
10 year -- so I guess we're looking a week or two -- did
11 you go back to Berkshire apartments between then?

12 A. Yeah. I go back -- like I was telling you, I
13 go to that apartment almost every night on my way home
14 because I always cut through that little district area
15 because the motel is right there and you've got the
16 Parkland Hospital right there and you've got a bunch of
17 good places where I can scan to get my -- every day we
18 have to have like a -- when we run cameras, we have to
19 have like a camera count. So every day, every vehicle
20 that got cameraed on, it got -- at least told 10 -- or
21 scan 10,000 cars.

22 Q. Did you go back specifically looking for the
23 Genesis?

24 A. No, I did not.

25 Q. Just whatever you could pick up, right?

1 A. No. Whenever I scanned that car, like I say, I
2 went back the next morning after that.

3 Q. Right.

4 A. So if it was the 30th, I went back on the 31st
5 looking for the car that morning when I was on my way to
6 work. The car wasn't there, so I never -- I wasn't
7 particularly looking for that car or anything like that.

8 Q. What are your usual work hours?

9 A. I work 8:00 to 8:00.

10 Q. 8:00 in the morning till 8:00 at night?

11 A. Yeah, normally.

12 Q. Are there people that work the opposite, work
13 all night?

14 A. No, there's nobody that works all night.

15 Q. Do you know if there's another shift after
16 yours?

17 A. Yes. There's a guy that works at nighttime
18 named Berdis (phonetic) that works up there, but he
19 works in the McKinney area. I was the only one that
20 worked in the Dallas area.

21 Q. So in the zone that the Berkshire apartments
22 were in, how many -- how many drivers were dedicated to
23 that area by Keel?

24 A. Just me.

25 Q. Just you at that time? Not now --

1 A. Yes.

2 Q. -- at that time?

3 A. Just me at that time. Yeah, just me at that
4 time.

5 Q. I understand.

6 (Exhibit 2 marked.)

7 Q. (BY MR. HUBBARD) All right. I'm showing you
8 Plaintiff's Exhibit 2. Do you know what this is? I
9 don't know if I can zoom in on it or make it any easier
10 to see. I'll represent to you it says the Employee
11 Policy & Procedure Manual. Does that look right?

12 A. Yes.

13 Q. All right. If we turn over to what has been
14 stamped as page 93, there is a disciplinary action
15 section. Are you familiar with the disciplinary action
16 under this policy?

17 A. Yes, on the theft and time off and all that.

18 Q. Right. It looks like there's a verbal warning
19 section, an employee suspension and termination section,
20 you know, for various things?

21 A. Correct.

22 Q. Have you ever been disciplined under this
23 policy at Keel?

24 A. No, because I don't steal out of cars. I don't
25 do drugs. I keep my truck pretty clean. Threaten

1 another individual. I don't -- I don't threaten
2 individuals at the job, customers.

3 Q. Have you ever been written up for any
4 discipline at Keel?

5 A. No.

6 Q. Have you ever had any verbal warnings or
7 anything at Keel?

8 A. I've never had no problem with her other than
9 the problem I was having with her when I left here.

10 Q. And that was business-related, not customer
11 complaints or police involvement or anything?

12 A. No. It was -- I had a semi hit my repo I was
13 towing back to the yard, and she was trying to say it
14 was my fault and all that. So, I mean, I was just -- I
15 was in a bad mood that day, and I just decided to leave.
16 I had a semi come over in my lane and hit my repo.

17 Q. I understand. How often do -- are there --
18 does the debtor or the person you're taking the car
19 from, how often do they call and complain to Keel about
20 something you've been involved in?

21 A. Oh, I don't know. I don't -- I'm not part of
22 that thing. That would be something the office would
23 have to discuss.

24 Q. As far as you know, you can't recall any times
25 that has happened?

1 A. I mean, she's told us a couple times when
2 people call complaining, but nothing like -- I mean, not
3 like it's every day or anything. It's just every now
4 and then.

5 Q. But as far as you know, you've never been
6 disciplined or told you did something wrong by Keel?

7 A. Not that I can remember.

8 Q. All right. If we go over to page 97 -- let me
9 find where I'm -- the paragraph I'm looking for. All
10 right. Under Recovery Procedures, I've highlighted a
11 sentence that says, If police are called to the scene,
12 this is considered a breach of the peace and we lose the
13 right to repossess. I know we talked earlier about
14 police involvement. Is it your understanding that if
15 police ever come, you lose the right to repossess the
16 car at that time?

17 A. Yes. Yes. That's in Dallas, breach of peace.
18 Other cities are not like that, though. Just the city
19 of Dallas is.

20 Q. Do you know why it's just Dallas?

21 A. I don't know.

22 Q. Do you know if this employee manual is just for
23 Dallas employees or is this for all Keel employees?

24 A. This is -- this is for all Keel employees. You
25 sign this whenever you get hired.

1 Q. So under Keel policy, if the police are ever
2 called to the scene, it is considered a breach of the
3 peace and you lose the right to possess outside of
4 Dallas?

5 A. It's based on the police, I guess.

6 Q. What does that mean?

7 A. I mean, if the police tell you to take the car,
8 I mean, you can just take the car. I mean, it ain't
9 nothing -- you know, you've got to go by what the police
10 say.

11 Q. But if the police says you can take it, can you
12 take it?

13 A. Yeah.

14 Q. Is there any policy about going into gated
15 neighborhoods?

16 A. No.

17 Q. So like the Berkshire neighborhood, it has a
18 gate on it, right?

19 A. Yes.

20 Q. And the gate is for, I guess, people that live
21 there. They can hit the button and open the gate, and
22 you've got to have one of those key fobs or whatever to
23 open it, right?

24 A. The gates -- the gate was always -- always open
25 every time I went through there. They have two gates.

1 They have a front gate and they've got a back gate over
2 there.

3 Q. All right. Just under Keel policy, do you know
4 is it okay to enter an apartment complex like that
5 without permission if you have to, like, follow another
6 car in or something like that?

7 A. What do you mean? Like, is it okay to do it?

8 Q. Right, under company policy.

9 A. I mean, I don't think they have a policy on
10 that on the company deal. I mean, when you sign -- when
11 you sign a car for repossession, you pretty much give
12 the consent for -- when the car is up for repossession,
13 they can go on your property to repossess the vehicle.

14 Q. Do you know -- go ahead.

15 A. I don't think there is a policy or anything
16 like that because, like I said, you know, even when
17 they've got no trespassing signs like that, I mean,
18 there's a fine gray line of what we can do and what we
19 can't do as long as it's in the driveway and not in the
20 yard or anything like that. We can't damage their
21 property or anything like that. But if we're just going
22 in their driveway to repossess the vehicle -- repossess
23 the debt, I guess we call it --

24 Q. Right.

25 A. But if you damage their property, I mean,

1 that's a whole different side deal right there.

2 Q. Did you ever talk to anyone or do you know if
3 anyone at Keel ever talked to anyone about specifically
4 giving you-all permission to enter the apartment complex
5 at Berkshire?

6 A. Got permission from Keel?

7 Q. No, I'm sorry, permission from Berkshire.

8 A. No.

9 Q. On January 3rd, the night of the incident, do
10 you know if the gate was open or closed that night? Do
11 you remember?

12 A. I want to say when I pulled up, the gate was
13 open. But when I left, the gate was closed because I
14 had to sit there and wait for the gate to open up.

15 Q. So when you pull into Berkshire and it's closed
16 and you want to go in, how do you get in?

17 A. I usually just sat there and waited.

18 Q. Waited for what?

19 A. For a vehicle to go in there.

20 Q. And then you -- how do you get in from there?

21 A. I just follow the car in.

22 Q. All right. On page 99, it says under
23 Complaints, the employee must complete an
24 incident/accident report providing specific details of
25 their involvement with the customer or case in question.

1 Do you know if there was an incident or accident report
2 filled out for the incident that happened on
3 January 3rd?

4 A. No. We never heard anything about this until
5 almost a year later -- or I think it was actually --
6 actually not even a year later. It was, like, maybe
7 seven months later we heard something about this. The
8 cops never reached out to us or anything. I mean, there
9 was no investigating officer or nothing that reached out
10 to us or to me personally.

11 Q. All right. So I'm going to go to a video. Let
12 me see if I can pull this up. Is the video showing on
13 your screen?

14 A. Not yet.

15 Q. Let me see if I can figure out how to share it.
16 There we go. Maybe this works. All right. Do you see
17 the video I'm trying to play?

18 A. Yes.

19 Q. Is it -- I mean, I know it's a surveillance
20 video. Is it clear enough that you can tell what's
21 going on?

22 A. Yes.

23 Q. I want to mark this as Plaintiff's Exhibit --
24 am I on 4, I believe? This might be 3, Plaintiff's
25 Exhibit 3.

1 (Exhibit 3 marked.)

2 Q. (BY MR. HUBBARD) I'm going to go to time stamp
3 8:23:21.

4 (Video played.)

5 Q. (BY MR. HUBBARD) I'm trying to pause it, but
6 it's not wanting to pause right where I pause it at.
7 Can you tell on the very -- when I'm looking at it, it's
8 at the top left corner of my screen. I'm not sure where
9 it is for you. But can you see a -- it looks like a
10 truck going around the corner?

11 A. Yes.

12 Q. Do you know if that's you? It looks like a tow
13 truck. Do you know if that's you?

14 A. Yeah, that's me in the white tow truck.

15 Q. So what were you doing at this time?

16 A. I was scanning the apartment complex.

17 Q. So on January 3, 2023 at 8:23 p.m., as of now,
18 did you know the Genesis that was there?

19 A. I knew it could have been there because, like I
20 said, I scanned it a couple days before then. But them
21 apartments are patrolled by many other repo companies
22 and many towing companies, so I wasn't for sure. I can
23 still hear you-all. I'm sorry.

24 Q. You can go ahead if you're able to talk.

25 A. No, I'm good. I'm good. Let me -- I'm sorry.

1 Yeah, I'll scan an apartment complex like I normally do.
2 Like I said, I normally scan them before I go home
3 because they're on my way to the house. That's all I
4 was doing. But like I say, I knew the Genesis could
5 have been there, but I wasn't for sure it was going to
6 be there.

7 Q. I'm going to move it over to 8:25:09 time
8 stamp. All right. Do you see?

9 A. I can't hear you-all.

10 Q. Can you hear me? Are you able to hear me now?

11 MR. EDEN: Hey, Daniel, are you there?

12 A. I can't hear you-all. Hold on just a minute.

13 Q. (BY MR. HUBBARD) All right.

14 MR. EDEN: Hey, Daniel, can you hear us
15 now?

16 THE WITNESS: Yeah, I can hear you now.

17 Q. (BY MR. HUBBARD) All right. So I'm going to
18 keep playing Exhibit 3.

19 (Video played.)

20 Q. (BY MR. HUBBARD) I know there's some dead
21 time. So at 8:25:30 -- can you see the video still? Is
22 the video still on your screen?

23 A. Yeah, it's still on the screen. Sorry.

24 Q. All right. You can kind of see this -- the guy
25 in the hoodie here on the sidewalk, correct?

1 A. Correct.

2 Q. Do you know if that was the Genesis or is the
3 other car the Genesis? Is the one in the --

4 A. I'm not -- I'm not really sure, to be honest
5 with you, because I'm too far away from it. But that
6 kind of looks like a Nissan from right here.

7 Q. Right. And then there's that car pulling out
8 of the garage?

9 A. Correct.

10 Q. Can you see the -- is that you coming in the
11 back up there?

12 A. Yes.

13 Q. All right. You're still just scanning, looking
14 for plates at this point?

15 A. Yes. Yeah, that could have been the Genesis
16 right there. It looked like it from the side view.

17 Q. I understand. I'm not trying to, you know,
18 lock you down. I'm just asking. All right. Do you
19 know where you're going at this point?

20 A. It looks like I'm heading out the gate. I
21 scanned that one side right there.

22 Q. All right. So is that where the gate is?

23 A. No. No. The gate -- the gate is like if you
24 go towards where them gentlemens are at, to the left and
25 to the right -- or to the right and to the left. I'm

1 sorry.

2 Q. So at 8 -- let's see, let me go to the end of
3 the video. So at 8:26:24 -- 25, it looks like you make
4 a turn and you go off the screen. Do you know how
5 far --

6 A. It's just a little cul-de-sac right there and
7 it's got probably about eight cars right there.

8 Q. Right. Okay. Do you know how long before that
9 was before the shooting happened?

10 A. I don't know.

11 Q. Do you know if it was 10 minutes, 20 minutes,
12 an hour, one minute?

13 A. I wasn't there -- I wasn't in there very long.

14 Q. Right. It was just a little cul-de-sac?

15 A. Yeah.

16 Q. So did you turn around and then come out and
17 that's when the other video starts, do you know?

18 A. I didn't know there was another video. This is
19 the only video I've seen so far.

20 Q. All right. Let me pull up Plaintiff's
21 Exhibit 4.

22 (Exhibit 4 marked.)

23 Q. (BY MR. HUBBARD) Let me see if I can share it.
24 All right. This is Plaintiff's Exhibit 4. Since this
25 is the first time you've seen it, I'm just going to let

1 it play all the way through. It's pretty short.

2 (Video played.)

3 Q. (BY MR. HUBBARD) All right. Does that appear
4 to be your truck?

5 A. Yes, that's me in the white truck.

6 Q. And then right after that, it appears the guy
7 in the hoodie is -- shoots at the other guy in the
8 street?

9 A. No, I'm up there towards the gate right now.

10 Q. I understand. I'm just talking about what the
11 video shows, not what you saw right now.

12 A. Yeah, I'm -- when he raised his arm, I'm up
13 there already by the gate because the gate is right
14 there. You make that curve, I mean, it's like -- within
15 a couple seconds, you make that gate turn.

16 Q. Right. I understand. I'm not asking you
17 what -- where you were at the time. I'm just asking,
18 watching this video right now, obviously you go past the
19 two guys. But just watching the video, does it appear
20 like the guy in the hoodie shoots at the other guy?

21 A. It appears that. He raised his arm up and the
22 other guy falls, it looks like is what happened.

23 Q. All right. You said you were headed -- where
24 were you -- so you go past the guy in the hoodie and you
25 make that turn. Where are you going at this point?

1 A. Out the gate.

2 Q. Were you alone in the truck that night?

3 A. Yes.

4 Q. Are you always alone when you're working?

5 A. Yes.

6 Q. Do you know if that's written down in any of

7 those --

8 A. It's in -- it's in that manual deal you just
9 showed me. You're not supposed to have no riders unless
10 it's approved.

11 Q. You mentioned some -- some -- I guess some
12 systems you use. I can't remember the name of them.
13 But is it written down anywhere who you -- you know,
14 what you did that night or where you were that night or
15 who was with you or who was not with you? Does that
16 make sense?

17 A. It don't -- there's no way to really show who
18 was with me. But like I say, no one -- I had no one
19 ride with me because I'm a loner. I mean, you can
20 ask -- you can ask all the drivers, I don't -- I
21 don't -- I don't communicate with too many people. They
22 all know I'm a loner. But, I mean, there is a tracker
23 on the truck that shows where we was at and what we had
24 been doing all that night. There's no -- like no camera
25 inside the truck or anything like that. There was one

1 specifically on that truck because that truck was a new
2 truck at that time.

3 Q. There is a tracker on this truck?

4 A. There was a tracker on that truck, correct.

5 Q. Do you remember which property you were at
6 before you came to Berkshire?

7 A. I was probably at the Kroger right there by
8 there or tracking them -- or scanning them other
9 apartments right there by the Parkland Hospital and
10 stuff like that.

11 Q. Did Mr. Hardrick ever say anything to you?

12 A. No. No.

13 Q. Did he seem to know you were there?

14 A. No. I've never talked -- I've never talked to
15 anybody in those apartments.

16 Q. I understand. Did you know he was there?

17 A. No.

18 Q. Did the man in the hoodie, did he ever talk to
19 you?

20 A. No.

21 Q. Did you know he was there that night?

22 A. No. I was more focused on scanning cars and
23 stuff like that, trying to get another car.

24 Q. So if we start the video at 10 seconds, he
25 shoots and then he runs. Is that the direction of the

1 gate the way he runs?

2 A. Yes.

3 Q. And that's the gate you were leaving out of?

4 A. Yes.

5 Q. Did you hear the gunshot?

6 A. I heard a gunshot at the gate.

7 Q. Did you ever see -- the guy in the hoodie, did
8 you see him running towards the gate?

9 A. No. I was probably already outside the gate.
10 It don't take long for that gate to open.

11 Q. Right. Did you ever see him at all after
12 you --

13 A. No.

14 Q. -- drove by?

15 A. I don't even actually remember seeing him
16 standing there when I drove by.

17 Q. Did you call the police when you heard the
18 gunshots?

19 A. No.

20 Q. Is there any reason you didn't?

21 A. It didn't bother me. I didn't have no
22 gunshot -- I didn't have no bullet holes in the truck or
23 anything like that. I didn't hear no bullets hit my
24 truck.

25 Q. Right. Did you go back and check on anyone?

1 A. No. In that -- in that area, I mean, to be
2 honest with you, it's really common in that area for
3 gunshots because, I mean, it's right there by the
4 Parkland Hospital. It's kind of like in the -- it's
5 right there on the border of crackville and right there
6 on the border of the nice area. So, like, if you go
7 like a block over, you're in like a -- the complex and
8 the projects and stuff. I mean, it's right there on the
9 border of the bad area. So it's real common for
10 gunshots and stuff in that area in Dallas.

11 Q. Do you know where you went after you left?

12 A. I went home after that. I probably went
13 through downtown. I scanned through downtown. I went
14 through Deep Ellum, scanned through Deep Ellum, and then
15 I went to the house.

16 Q. What part of town were you living in at that
17 time?

18 A. I still live in the same house. I live over
19 here off of -- in southeast Dallas. I live, like, south
20 of the -- southeast of the fair -- State Fair.

21 Q. Did you inform anyone at Keel that there was a
22 gunshot that night?

23 A. No. I mean, in this kind of business, it's
24 common. Like I say, you hear gunshots all the time.
25 So, I mean, I've been shot at a couple times.

1 Q. So I'm guessing -- if you didn't tell Keel, did
2 you ever tell law enforcement or Resolvion or Wells
3 Fargo about the gunshot?

4 A. No.

5 Q. Were you ever disciplined for anything that
6 happened on January 3rd?

7 A. No.

8 Q. Do you know if there was any investigation from
9 Keel or Wells Fargo or Resolvion to try to figure out
10 who the guy in the hoodie was?

11 A. No. Like I said, we didn't hear nothing until
12 months later, about seven, eight months later after
13 this.

14 Q. All right. Let me show you Exhibit 5.

15 (Exhibit 5 marked.)

16 Q. (BY MR. HUBBARD) Do you recognize what this
17 is?

18 A. It looks like the same thing as we looked at
19 before, but it's just in the client version. It looks
20 like a repossession order.

21 Q. So what does this tell you?

22 A. It tells you the client's name. It tells you
23 the lender's name. It tells you what they get paid for
24 recovery. It's pretty much all the -- this is pretty
25 much what the office gets. The other one that you

1 showed is what I pretty much get through e-mail.

2 Q. All right. So you, the driver, do you get this
3 repo order or does this just go to the office?

4 A. No, I don't -- I don't see this one. This
5 one -- this one like this, it goes to the office because
6 I don't see what they get paid per repo.

7 Q. And this -- as far as you know, this was sent
8 by Resolvion. It appears that the lender or the client
9 is Wells Fargo Bank, correct?

10 A. Correct. I mean, it shows you the make and
11 model of the car and stuff like that.

12 Q. Does anyone at Keel communicate all these
13 procedures or policies that you're expected to follow?

14 A. No, I don't think so.

15 Q. Like --

16 A. We signed -- we read that booklet -- we read
17 that booklet when we get hired. We take a drug test and
18 stuff like that. And that's pretty much it. We don't
19 have no continuing education classes or anything like
20 that. We have driver meetings every now and then, but
21 that's just to discuss about how our week goes and stuff
22 like that, how we can better our performance and shit.

23 Q. All right. Last exhibit.

24 (Exhibit 6 marked.)

25 Q. (BY MR. HUBBARD) Have you ever seen this, the

1 Agent Statement of Fact Form?

2 A. No.

3 Q. Do you know who this person is, Jessica,
4 that --

5 A. She's the office manager.

6 Q. And this appears to be regarding the Genesis
7 that you were looking for on January 3rd?

8 A. Correct.

9 Q. All right. So it looks like 12-30 -- this is
10 Plaintiff's Exhibit 6, if I haven't said that already.
11 It looks like 12-30-22, got the hit off the DRN cameras.
12 That's that progress report we talked about earlier?

13 A. Uh-huh.

14 Q. And then 1-3-23, you ran the address again.
15 What does that mean?

16 A. It's just like an update, I guess, running it.

17 Q. All right. The detailed description addressing
18 the complaint/claim or incident against your office,
19 have you ever seen this?

20 A. Hold on a minute.

21 Q. Let me show you -- I'll show you the signature
22 too. It's not signed by you, I don't believe. I just
23 want to -- it's signed by Jessica, your office manager.
24 Yeah, take a look at that.

25 A. Yeah, I think this was my statement she asked

1 me about after I left. She called me at my other job
2 and asked me about this.

3 Q. What was your other job?

4 A. I worked for another repo company for a bit.
5 Yeah, I think this is the statement she asked me about.

6 Q. And this was signed -- she signed it on
7 1-10-23. You mentioned earlier you didn't talk to
8 anyone for several months. How does this fit into that?

9 A. No, we didn't talk to nobody for several months
10 after -- this -- this is not dated right because she
11 called me -- this was dated on 1-10. When is it? Yeah,
12 this is not dated right. That date is wrong on that.

13 Q. When do you think this was?

14 A. Because I was working -- I was working at the
15 other place for about six, seven months when she called
16 me. So --

17 Q. So you didn't talk to Jessica about this
18 incident --

19 A. No.

20 Q. -- until several months afterwards?

21 A. Correct.

22 Q. Do you remember what month it was?

23 A. I'm going to say probably about June, July,
24 maybe August time.

25 Q. Who were you working for at the time?

1 A. I was working for my friend that works for
2 Williams Recovery.

3 Q. Is it Williams Recovery?

4 A. Yes.

5 Q. Do you still do any work for them?

6 A. No. I'm still friends with him.

7 Q. When you read this statement, do you agree with
8 it? Are these your words that you wrote down or is this
9 her interpretation?

10 A. Let me finish reading it.

11 Q. Let me be more specific. That was kind of too
12 big of a question for you. When we get to this point,
13 when the driver got to the gate to leave, the debtor
14 shot off a gun into the air, did you tell -- did you
15 tell her that?

16 A. I said I heard a gun. I didn't say the debtor
17 shot the gun off.

18 Q. Do you know why it would be put in here that
19 the debtor shot the gun off?

20 A. That would be her own words.

21 Q. Just to be clear, you never saw Mr. Hardrick
22 shoot the gun and you never told anyone he shot the gun?

23 A. No, I did not. I did not.

24 Q. Do you have any idea why it would be dated
25 incorrectly?

1 A. I do not, unless she was trying to cover her
2 own ass, because, I mean, this is only, what, seven days
3 after it happened. I never heard anything until a
4 couple months after that. Like I said, maybe six, seven
5 months after that, I heard something about this.

6 Q. I understand. The part where the driver is
7 prohibited from carrying a firearm, do you ever carry a
8 weapon or firearm?

9 A. No. I'm a convicted felon. I don't carry no
10 firearm. I've got kids. It's not worth going to jail
11 over a gun.

12 Q. All right. Let me go over my notes real quick.
13 We might be close to being done, or at least my part.
14 All right. I think I know the answer to this, but did
15 you ever write down anything related to the incident on
16 January 3rd?

17 A. I don't know. I could pull it up and see if I
18 did write anything in the update. Let me log into my
19 computer here.

20 Q. Yeah.

21 A. Do you know the last six of the VIN number on
22 that?

23 Q. 7797.

24 A. The last six.

25 Q. I'm sorry, I did the last four. 227797.

1 A. I don't know if you-all can see this, but this
2 is the system we've got. This is called RDN. Every
3 repossession order, it pops up like this on here. So
4 whenever we do an update, we just go here to update and
5 we put our update in. But right here, it shows all,
6 like, the updates and stuff like that. Jessica did the
7 update. Vicki did an update. This is the client, ALS.
8 They wanted an update. I never did an initial update on
9 it.

10 Q. I understand. So there's nothing in there
11 about what happened on January 3rd?

12 A. No. No, because like I said, it was a live
13 hit. So I never really got the car in possession, so
14 there was no reason for me to do an update on it.

15 Q. Would that system show any indication why that
16 incident report may have been backdated?

17 A. No. This is -- this is the only the stuff I
18 see on my side because -- the driver's side. So the
19 company side is a whole different side of this. There's
20 like a whole different program for them. This is only
21 for the drivers to see.

22 Q. All right. Sir, thank you for talking with me
23 today. I know it's your -- your off day. I know that
24 means a lot to you. So thank you for talking with me.

25 A. Yeah, no problem.

1 MR. HUBBARD: That's all I have, Mr. Eden.

2 MR. EDEN: We'll reserve.

3 THE REPORTER: Mr. Eden, did you need a
4 copy of the transcript?

5 MR. EDEN: Yes, ma'am. We will like an
6 e-tran with the exhibits.

7 (END OF PROCEEDINGS)

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	CHANGES AND SIGNATURE			
1				
2	DEPOSITION OF: DANIEL FIELHAUER			
3	DATE OF DEPOSITION: FEBRUARY 15, 2025			
4	PAGE	LINE	CHANGE	REASON
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1 I, DANIEL FIELHAUER, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct, except as noted above.

4

5

DANIEL FIELHAUER

6

7

8

9

10

11 THE STATE OF _____)

12 COUNTY OF _____)

13

14 Before me, _____, on this
15 day personally appeared DANIEL FIELHAUER, known to me
(or proved to me under oath or through
16 _____) (description of identity
card or other document)) to be the person whose name is
17 subscribed to the foregoing instrument and acknowledged
to me that they executed the same for the purposes and
consideration therein expressed.

18 Given under my hand and seal of office this
19 _____ day of _____, _____.

20

21

NOTARY PUBLIC IN AND FOR
22 THE STATE OF _____
23 COMMISSION EXPIRES: _____

24

25

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BOBBY HARDRICK)
)
Plaintiff,) CIVIL ACTION
) NO. 3:24-CV-00014-D
v.)
)
WELLS FARGO BANK NATIONAL)
ASSOCIATION; RESOLVION, LLC;)
KEEL RECOVERY, INC.)
)
Defendants.)

REPORTER'S CERTIFICATION

I, Dawn Baldwin, a Certified Shorthand Reporter
duly commissioned and qualified in and for the State of
Texas, do hereby certify that there came before me,
remotely, on the 15th day of February 2025, the
following named person, to-wit: DANIEL FIELHAUER, who
was duly sworn to testify the truth, the whole truth,
and nothing but the truth of knowledge touching and
concerning the matters in controversy in this cause; and
that he was thereupon examined upon oath and his
examination reduced to typewriting under my supervision;
that the deposition is a true record of the testimony

1 given by the witness.

2 The amount of time used by each party at the
3 deposition is as follows:

4 John Hubbard.....01 Hours, 01 Minutes
5 Essay Eden.....00 Hours, 00 Minutes

6 I further certify that I am neither attorney or
7 counsel for, nor related to or employed by any of the
8 parties or attorneys in the action in which this
9 proceeding was taken, and further that I am not a
10 relative or employee of any attorney or counsel employed
11 by the parties hereto, or financially interested in the
12 action.

13 CERTIFIED TO BY ME on this the ____ day
14 of _____, 2025.

15

16

17

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24

25

DAWN BALDWIN, Texas CSR
Expiration Date: 10/31/25
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